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# THE NEW REPUBLIC

A Journal of Politics and the Arts—May 27, 1972, 50 cents

**Grand Jury Secrecy**—*James R. Bendat*

**Maryland & Michigan**—*Paul R. Wieck*

**Car Trouble**—*The Editors*

**Challenging Daley**—*Ken Bode*

**Falling-Apart Houses**—*Ralph Nader*

**Ready for Moscow**—*John Osborne*

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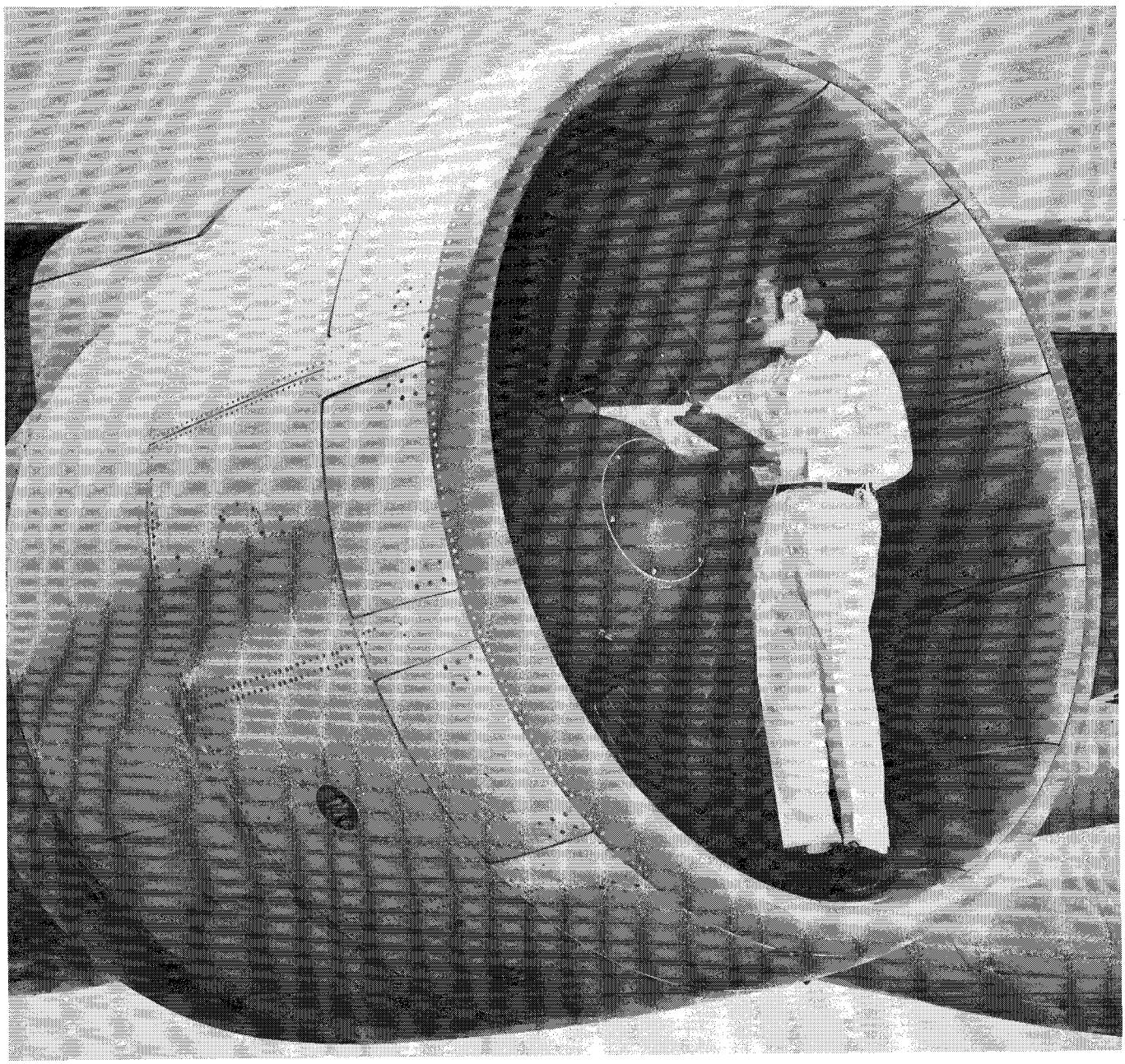

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IN THE BALANCE OF JUSTICE

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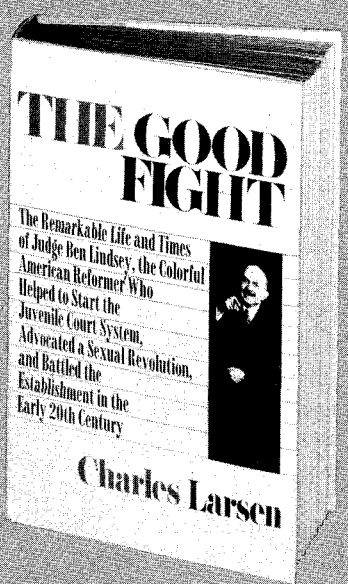
*by Charles Larsen*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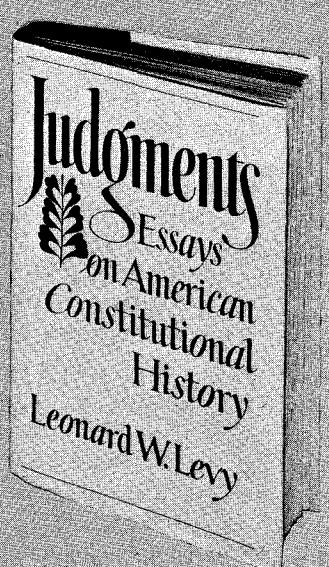


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# TRB

from Washington ®
May 27, 1972

## Second Thoughts

On Capitol Hill, where the humor is often as esoteric as the tax laws, one of the more popular and current inside jokes goes like this: "The top priority on the agenda when the 93rd Congress convenes in 1973 is reserved for prison reform—that's where we'll be if the new campaign finance law is enforced."

The jokes about the Federal Election Campaign Act of 1972 fall into the category of "gallows humor" because members of Congress, particularly those in the House, have belatedly discovered that they really didn't know what they were doing when they passed a law that requires comprehensive public disclosure of all campaign income and expenses by all candidates for federal office—and that just happens to include members of Congress seeking reelection.

Which is not to say that the lawmakers knew any less about this particular piece of legislation than they did about any other bill they approved under a system in which a) the committee staff writes most of the bill and summarizes its features for any committee member who might be interested, b) the committee chairman presents selected highlights of that summary for the benefit of the remaining 400-plus House members during a floor debate which almost nobody attends, and c) the members' votes on the final package are based on favors owed to colleagues, unquestioning faith in the wisdom of the aforementioned committee chairman, terse instructions from a party leader on the floor and a variety of other extraneous considerations.

The difference here is that in the case of almost all other legislation, some other "special interest group"—corporations, unions, foundations or whatever—is on the receiving end of the law and thus bears the responsibility for seeking repeal, modifying amendments or an enforcement policy so weak that the act is, in effect, annulled.

But now we are faced with the spectacle of the Congress itself attempting to perform that function. Notwithstanding the joke about prison reform, word already is circulating in the House that atop the 1973 agenda will be an effort to emasculate the campaign reform law, which has been in effect for less than two months, and to return to the halcyon days when the disclosure of politicians' campaign finances was governed by a federal statute which President Johnson described as "more loophole than law."

The House would really like to do the job this year, before the public gets spoiled by the notion that it rightfully deserves access to the fund-raising data of its elected representatives. But congressmen have notoriously weak stomachs for "tough issues" in the months immediately preceding election day. In addition, all the smart politicians—most notably President Nixon's fund-raisers and scores of House and Senate members—worked hard to pump uncounted millions of dollars into their campaign treasuries prior to April 7, the day the new reporting law went into effect.

Those requirements now emerge as a particular problem for the incumbents because it is they who are the recipients of potentially embarrassing donations from interest groups seeking to influence the course of legislation. As a rule, the dispensers of that "smart money" don't like to deal with a challenger because they don't know what committee assignments he will receive, how "cooperative" he will be in promoting their cause and how long it will take him to rise to a position of influence in Congress. Besides, most challengers lose anyhow.

So the problem is what to do about obscuring all of those sizable donations to incumbents during the five months between now and election day—and the man in charge of that effort is Rep. Wayne L. Hays, a 12-term Ohio Democrat whose position as chairman of the House Administration Committee gives him control over his colleagues' fringe benefits ranging from the price of their hamburgers in the House restaurants to the number of free telephone calls they can make from their offices.

In late February, after the new act had been signed into law but before it went into effect, House Clerk W. Pat Jennings came before Hays' committee to request about 40 additional permanent staff members and a substantial annual budget increase. Hays, known to enjoy throwing his weight around, sought to intimidate Jennings, but the House clerk decided to fight it out. What ensued, according to congressmen who were present at the closed meeting, was an acrimonious shouting match that included name-calling and threats. Jennings was authorized to hire only 12 additional staff members.

Hays' next move was to suggest that an obscure amendment be tacked onto some bill this year which would transfer from the House clerk to the House Administration Committee the statutory designation of "supervisory officer" for all financial reports filed by candidates for House seats. Under the law, the supervisory officer is charged with checking all reports which are filed, determining which candidates have not filed and bringing to the attention of the Justice Department all alleged violations.

Such a transfer of authority would place House members in the position of judging the legality of their own and their colleagues' financial reports (Jennings, a paid employee of the House, is hardly an independent agent, but he is at least one step removed) but when John W. Gardner, chairman of Common Cause, wrote to House Speaker Carl Albert and House Minority Leader Gerald R. Ford to complain about the impropriety of Hays' proposal, the two leaders defended the scheme.

There's more. Rep. Samuel L. Devine, an Ohio Republican who is the ranking minority member of the House Administration Committee, already has introduced a bill to repeal the new reporting law. And Hays is talking about reducing the number of required election-year financial reports from six to three, fewer than under the old law. He also wants to kill the requirement that donors list their occupation, thus avoiding embarrassment for corporation executives.

The latest episode began with Gardner's disclosure, at a press conference in Columbus, Ohio, that Hays had failed to comply with the law's requirement that House candidates file a financial statement with their secretary of state as well as with the House clerk. Hays retaliated by increasing, from ten cents to one dollar, the per-page cost of copying reports in Jennings' office. Gardner went to court to challenge that decision, and Hays backed down. But the struggle to preserve full financial disclosure is now getting underway.

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# Car Trouble

At the first opportunity allowed by the Clean Air Act of 1970, the big auto producers asked for a year's delay in meeting antipollution standards that are to go into effect in 1975. They might have asked for still more time had it been possible. But Congress had written the law strictly, knowing that the industry had been tinkering for years with antipollution devices that didn't work and since 1954 had worked under an agreement that suppressed antipollution innovations. The dereliction of the automakers is no small matter in view of the fact that cars are the single greatest source of air pollution, accounting for about one-third of all health imperiling chemicals released into the atmosphere. The Clean Air Act requires that cars made in 1975 emit 90 percent less of the major pollutants (hydrocarbons and carbon monoxide) than cars made in 1970. It allows the director of the Environmental Protection Agency to delay the deadline for one year if he decides the technology isn't available to meet it.

The earliest filing date for complaints about the deadline was January 1, 1972. General Motors, the richest corporation in America, was the first to arrive on EPA's doorstep, on January 12, pleading for a delay. The EPA pointed out that GM's case was incomplete and that a final decision would be made "only after a vigorous and open public debate." On March 13 Volvo filed a request for delay, and shortly afterwards GM returned; Ford, International Harvester and Chrysler made separate appeals the same day. Together they inundated EPA with more than 2000 pages of expensive evidence "proving" that despite its best efforts, the industry would not be able to meet the deadline.

EPA considered the question for about two months before its director, William Ruckelshaus, announced May 12 that he wasn't convinced. He told the five automakers they must find some way to achieve the new emission standards by 1975, and that nothing in their evidence had shown this would be impossible. Ford was officially "disappointed . . . we believe we made a convincing case." The day before, Henry Ford II told a meeting of stockholders in Detroit that "much of the US auto industry will be forced to close down in 1975" if held to the unreasonable deadline. (Never mind that Ford had already signed a $4.9 million guarantee contract with the Engelhard Corporation to manufacture purification devices for its 1975

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autos.) GM called the decision "regrettable," and Chrysler grumbled that it had "no other recourse but to appeal" in federal court. Ruckelshaus informed the manufacturers that he would reconsider the ruling if compelling new evidence were produced.

Although one congressman said the EPA decision was "courageous" and several environmental groups called it a "real victory," EPA had weakened its ruling by granting some major concessions to the auto industry months earlier. The Clean Air Act was designed to make car manufacturers – not the buyers – responsible for creating engines that would meet minimum pollution standards for a reasonable time. This period was set arbitrarily at 50,000 miles or five years, whichever comes first. If an engine begins to pump out more than its allowed quota of pollutants during this warranty period, the manufacturer must pay for replacing the exhaust filter. The filters required as of 1975 (called "catalytic converters") will probably be made of platinum and cost about $200 each. If the manufacturer isn't bound to replace them during the five-year period, they won't likely be replaced. No state is yet prepared to force car owners to bear the cost of replacement. New Jersey is the only one that inspects cars on the road to see whether they meet federal emission standards, but there's no penalty for failing.

Last February 14 Ruckelshaus wrote that EPA had "under development" some more lenient warranty guidelines. "There is no question," he told Chrysler's vice president, "that the complex control systems being designed to meet the 1975 standards will require more maintenance" than those now in use. In his decision last week he announced that he intends "to allow the replacement of catalysts at least once during the 50,000 miles of vehicle operation. . . ." He didn't say who would have to pay for that filter change, but it's feared that it will be the car owners. Nothing has been done to force them to maintain their antipollution systems after purchase. (One indication of the likelihood of voluntary customer response is that less than three percent of the Corvair owners who were warned about dangerous structural defects have come back for repairs, to be made at the owner's expense.)

Ruckelshaus conceded another point to the car people in allowing them to meet the 1975 standards by averaging sample test results on assembly-line cars, rather than by assuring every car meets the standards. This will permit a number of smoggy, substandard engines to pass inspection along with some over-efficient ones. Every concession of this sort puts a greater burden on car owners to meet the clean air standards set by Congress, and eases the job of the car manufacturers. Although Ford and General Motors may believe they're being asked to do more than their share for ecology, one shouldn't forget that, even under price controls, last quarter they turned the greatest profits on record, netting $252 million and $651 million respectively.

# Space Truck

In voting for NASA's space shuttle, the Senate approved a costly boondoggle whose major purpose is to provide the military with a growing role in space.

NASA wants to replace most of its other orbiting rockets with the shuttle system. It's a complex apparatus: a cavernous orbiter, as big as a small house, clutches a fuel tank as it sits astride two great roman candle-like rockets. The roman candles are shot off, boosting the orbiter 25 miles up, then drop away to the sea below. Sucking from its fuel tank, the orbiter proceeds on into space, eventually jettisoning the fuel tank into the growing stream of space garbage. The crew of the orbiter then goes to work launching a load of satellites, and hauling others aboard for repair and relaunching. Then the orbiter steers back to earth.

The space shuttle concept is assailable for various reasons. Now the NASA arsenal of launch vehicles can lift satellites of up to 27,000 pounds to low- or high-altitude orbits. The shuttle, however, will have enormous weight-lifting capacity, enough to carry 65,000 pounds of payload, or twice the weight of all NASA unmanned flights in one year. There will be a declining need for this sort of weight-lifting capacity because with the development of micro-circuitry techniques the weight of satellites is steadily decreasing.

The idea is for the shuttle crew to fix up broken down satellites. Actually most satellites are fairly reliable. When they do go on the blink, it is less expensive to launch new ones rather than tamper with old ones.

Perhaps half of all new satellites to be launched in the 1980s will be for communications or surveillance purposes and need to be sent to high altitudes. But the space shuttle's orbiter can only work at *low* altitudes. To place satellites in high altitude, NASA must build a "space tug," an extra booster rocket which can shoot the satellites on up, then return to the orbiter.

NASA insists each flight will cost $10.5 million. But according to Ralph Lapp, the Washington physicist who has opposed the scheme, the space agency neglects to include the cost of development which will run to $8.1 billion minimum. He concludes each flight will cost $26.2 million, more than double the NASA figure. It is, he says, "the most expensive space truck imaginable."

The major figures used by NASA to justify the shuttel's cost come from Mathematica, Inc., a research firm headed by Oscar Morgenstern, the well-known Princeton professor. NASA paid $2.2 million for the investigations, part of which were subcontracted to Aerospace Corp. and to Lockheed's missile and space subsidiary. These latter companies, of course, have more than a passing interest in the outcome of the shuttle. (A few days after the Senate voted for the shuttle, Lockheed's missile and space unit put in its bid to develop it.)

The main beneficiary of the shuttle is the military, which now supplies large numbers of personnel to

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NASA and which always has wanted a hand in the space business. The military puts twice as many satellites into orbit as does NASA. Most of them are for espionage or surveillance purposes, and are launched from Vandenberg air force base in California, where the shuttle will probably also have a base. The space shuttle orbiter can overfly the Soviet Union, strewing about satellites that can watch the Soviet missile operations, and thereby establish a new early warning system based on satellites, called SEWS.

## Oil Politics

The government's decision to go forward with the Alyeska (Trans-Alaska) pipeline in the face of serious environmental problems involves complicated international political maneuvering, in which ecological concerns play but a part. In announcing his decision, Secretary of the Interior Rogers Morton said that US oil demand by 1980 would range from 20 to 25 billion barrels daily, but that without North Slope oil domestic production would be as low as 9 to 12 billion barrels daily. That would necessitate continued reliance on foreign supplies. The major source of oil is the Middle East, where during the last few years the international companies have come under severe pressure from producing nations. The producing nations have successfully demanded a higher rate of profit on the oil, and in principle at least have now won a stake in the concessions themselves. In some countries—Libya and Venezuela for example—moves are under way to nationalize the oil industry. Thus the large international oil companies, most of them US-based, are anxious to diversify their holdings away from the Middle East and Venezuela to more secure areas. Alaska is prime among them, and while a few years ago it might have seemed prudent to hold Alaskan oil in reserve or sell it off slowly to Japan, now it seems profitable to bring it down to the lower forty-eight.

When he was Treasury secretary, John Connally is reported to have suggested to Nixon that it would be a good idea to allay the uncertainty that has confronted US oil companies since they presented the pipeline proposals in 1969. Their investments in exploration and other costs associated with oil and preparation for the pipelines are estimated to run $2 billion or more at this point. Two companies, ARCO and BP, badly need the oil revenue. As a practical matter, this is a campaign year and the Republican administration must weigh the environmentalists against the oil industry. The oil men are a major source of campaign money.

Finally there is the complex, unhappy question of US-Canadian relations. Some environmental groups, together with various factions in Canada, are inclined to favor an alternate pipeline route angling eastward from Prudhoe Bay over through Canada's MacKenzie River delta and on down to the Midwestern markets via Chicago. Such a route would eliminate Pacific Ocean marine traffic from Valdez, Alaska (southern terminal for the proposed Alyeska line) through Prince William Sound, to Seattle and other West Coast refining ports. Prince William Sound is free of pollution, but the Canadians who live along the sound fear oil spills from the sudden mushrooming of a tanker trade in the sound. An alternate route through the MacKenzie River delta would avoid the southern two-thirds of Alaska, a major earthquake region, thereby eliminating one of the environmentalists' main fears. Lastly, perhaps most important, the Canadian route will be built to bring down natural gas anyway. The Canadian government seems to be moving ahead toward development of a pipeline that will go up the delta, then eventually over to Prudhoe to bring down gas, some of it for use in Canada, the rest for export to the US.

However, the Canadians have been increasingly tough about withholding their gas from US markets because of internal demands. The US companies, which desperately need the gas, and the US government, therefore, are trying to work different sorts of energy deals which will include agreements on gas exportation. Failure to reach such agreement is one of the reasons the US is apt to steer clear of any major involvement in energy development with Canada.

## The Nixon Watch

# Ready for Moscow

Last week was one of the times when the observer of the Nixon presidency can only sit back, mildly stunned, and marvel at its workings. Mr. Nixon let his wife say first and officially that he was going to Moscow after all, thereby suggesting that the previous show of uncertainty that his prospective Soviet hosts would still welcome him to the summit was either pretense or a confession that the President and his adviser, Henry Kissinger, had been playing in frivolous doubt and ignorance with the fate of mankind when they confronted the Soviet government with the challenge posed to it in Vietnam. The President and an associate now revealed to have been a strong advocate of the turn in Vietnam policy, Secretary of the Treasury John B. Connally, asked the public to believe that they had known all along what literally nobody else in the administration seemed to know—namely, that Connally had arranged to quit before or around this time when he joined the Cabinet in December 1970. His resignation was announced the day after George C. Wallace

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was shot in a Washington suburb, a short drive from the White House, and Mr. Nixon managed with perfect grace and propriety to precede the disclosure of Connally's impending departure with a demonstration of a President's unique power to act in a politically advantageous way while other candidates for the office could only bemoan the event. With Connally and his intended successor, Budget Director George P. Schultz, standing beside him in the White House press room, Mr. Nixon said that he had offered Wallace the presidential suite at Walter Reed Hospital in Washington for his recuperation or, if he preferred, an air force hospital plane to take him home to Alabama. It was a decent thing to do, and it was unlikely to repel Wallace voters to whom Mr. Nixon also appeals on such divisive issues as school busing.

Connally, enjoying the astonishment that his leaving caused, said in his Texas drawl that he was sure it "will raise questions in the minds of many," and it did. It also provided the latest testimony to the extraordinary ability of Mr. Nixon and of men whom he trusts to keep their secrets until they are ready to reveal the versions they want to put about. In interviews with several reporters during the previous week, all of them doing stories on Connally as a key and continuing member of the Nixon Cabinet, he didn't hint that he was about to quit. At a meeting of most of Mr. Nixon's political advisers and assistants the night before the announcement, nobody present indicated the slightest knowledge that the speculation about Connally's role in the Nixon campaign for reelection was going to be stimulated so soon and in so spectacular a way. The thrust of the speculation was that Mr. Nixon was getting set to dump Vice President Agnew from the 1972 Republican ticket and replace him with Connally, the only Democrat in the Cabinet and one of the few vivid characters in this drab administration. Connally said that it was "entirely possible" that he'd be supporting the Nixon candidacy; that he expected to be mighty busy in the summer and fall (after the party conventions); and that he wouldn't discuss such a remote possibility as his being on the Republican ticket with Nixon. The impression left by a master contriver of impressions was that it is indeed a possibility.

It's all speculation and nothing more at this stage, and I might as well throw out my own contribution. It is founded upon a conviction, derived from many accounts over the years of the corrosive personal effects that Mr. Nixon's defeats in 1960 and 1962 had upon him, that he will never knowingly invite another defeat. His talk, in interviews and in other remarks this year, has been studded with indications of an inner awareness that he may have very little time in the presidency left to him and that in all he does he is preparing the way for future Presidents and perhaps for the next President—"whoever he may be," Mr. Nixon has said in the course of saying that one of his chief purposes is to preserve "respect for the office of President of the United States." So, getting to a point that is laughed at when I mention it around the White House, I find myself wondering whether Richard Nixon may be setting up John Bowden Connally, just in case, to be the next Republican nominee for the presidency. Connally, by repeated avowal a committed Nixocrat, has all but read himself out of the Democratic Party. With his bold conservative stance, he is assured of a warmer welcome at the Republican convention in August than he could expect to get at the Democratic convention in July. The President said in announcing the resignation that he has some special assignments in mind for Connally and that the first of them will be disclosed after the return from Moscow. Inviting one and all to laugh away, I leave it at that.

The serious business at the White House was the preparation for Moscow and the ceremonial stops on the way home at Warsaw and Teheran. Henry Kissinger, publicly silent and all but invisible since he surfaced in the East Room on May 9th to explain and justify the policy of escalation and confrontation announced by the President on the 8th, said then that the recognized risk of serious confrontation with Moscow was judged to be "not unacceptable." The superficial risk, the one generally discussed in the press, was that Soviet officialdom might withdraw its invitation to meet at the summit with Mr. Nixon in Moscow on May 22 and through the following week rather than accept the humiliation implicit in his steps to bar, with naval and aerial force, the further shipment of Soviet war supplies to North Vietnam. The greater risks, in diminishing order of likelihood, were that pending and long-prepared US-Soviet agreements on strategic arms limitation, trade expansion, the status of West Berlin, and space cooperation might have been negated just when they were about to be affirmed and made final at the Moscow summit; and that the Soviet Union might reply with force to Mr. Nixon's measures of force. One effect of the verbal confrontation, certainly not wanted by either party, was to expose the symbolic nature of the Moscow conference. It suddenly became apparent that the agreements in question could be completed, and that the subsequent negotiation of remaining issues could occur, whether or not the President was received in Moscow. This appeared to be the fall-back hope and assumption entertained by the President and Kissinger during the brief period of professed uncertainty. Lacking sure knowledge either way, I doubt that the uncertainty was ever as great as it was allowed to seem. My hunch is that Nixon and Kissinger were never in substantial doubt that they would be leaving for Moscow on schedule.

Why, if this supposition be correct, the inspired indications from Kissinger's vicinity that the chances for a time were 9-to-1 against the trip occurring? Why the delay in the announcement of press and other travel

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arrangements that were nearly complete when the President spoke and were finally dribbled to concerned journalists a full week after they were to have been published? It was all, if my supposition is correct, a way of letting the Moscow government appear to be the controlling partner in the preliminaries to the summit. It was a ploy in a deadly serious game for a better and safer world that the US, Soviet and Communist Chinese governments are playing with each other. The extreme extension of this supposition is that, in the cynical phrase tossed around Washington last week, "the fix is on" between the US and Communist China and between the US and the Soviet Union. This I do not believe. What I do believe and assume is that an exchange of judgments, a process of mutually encouraged impression, is occurring at the peaks of the US, Peking and Moscow leaderships. The shared judgment thus arrived at and in process of being arrived at is that the supreme interests of the great powers outweigh in importance to each of them and to the world the lesser ties and obligations (Mr. Nixon's to Saigon, Moscow's and Peking's to Hanoi) that have constrained and motivated them. At this writing, before he departs for Moscow, the President appears to be giving more support to Saigon than Moscow and Peking are giving to Hanoi. But that could change and, after Moscow and despite all the evidence to the contrary, it may begin to change sooner and to better purpose than seems possible now. One of the facts about Mr. Nixon that his critics ought to grasp is that he is least credible when he says such things as that he will never, never sell out to the Communists in South Vietnam. He will, when and if he is offered terms that he judges to be to his country's and the world's advantage.

**John Osborne**

## In The Public Interest

# Falling-Apart Houses

Shoddy housing construction is a national plague. Homeowner complaints are inundating local, state and federal housing officials. Cheated homeowners in various new housing developments are organizing to press their demands. My mail from new homeowners shows the problems are pervasive and that shoddiness is a pattern, not just an occasional lapse in workmanship. Complaints range over every feature of the new house: electricity, heating, insulation, plumbing, drainage, flooring, roofing, door fitting, and structural deficiencies. One homeowner from Delaware wrote of her $28,000 home, "I really believe that the materials in this house are substandard; no room is finished perfectly; the house is falling apart; we can see daylight in the basement; kitchen cabinets are coming apart . . . ." Another letter described an exploding shower door which sent glass "onto our bed 25 feet away." Safety hazards are described involving both bad construction and housing design.

People wonder who is enforcing the housing codes. What standards are there to ensure that the homeowner receives fair treatment? Who in government is listening to the complaints and doing something about them? The answers are not encouraging. Home builders, lenders and suppliers pretty much write their own standards and get them adopted as legal codes that are not effectively enforced when violated. The Federal Housing Administration (FHA) is supposed to set construction standards and inspect for compliance before insuring loans made by lending institutions to homebuyers. These "minimum property standards" are taken from industry-developed codes which are full of escape hatches. The FHA's system of home inspection and enforcement to compel the builder to bring housing up to minimum standards is shorthanded, dilatory, and sometimes corrupted.

Instead of viewing its mission as protecting the home-buyer, the FHA often operates as the servant of the home-building industry. With its enormous potential influence for sound housing practices, the FHA has not taken the initiative to develop effective standards and inspection practices. Nor has it shown any willingness to use its only enforcement tool, which is the refusal to insure loans for the builder's work.

Secretary of Housing and Urban Development, George Romney, now realizes that the FHA, which is part of his department, has to be reformed from the roots up. But even if he decides to act, the changes must go beyond the FHA. They must include vigorous antitrust enforcement to break up price fixing and product fixing that lure the home-buyer into exorbitant purchases of defective new housing. There must be an effort to stop home-builders from further weakening housing standards (in Congressman John Dingell's words, "skinnier 2 x 4s, made from weaker trees, which FHA bureaucrats allowed to be placed further apart").

Rep. Dingell senses the rising interest in Congress in legislation to protect the rights of homeowners. A law could be written to give home-buyers federal warranty rights against defects in materials and workmanship. Dingell also sees the necessity of placing greater responsibility on lenders, requiring a "truth in building law" and establishing consumer protection standards for the numerous industry code organizations, which determine much of the quality and materials cost of housing. The home-buyer should have a house that outlasts the mortgage on it.

**Ralph Nader**

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# Knowing a Loophole When You See One

The administration is trying to convince the country that federal tax laws are reasonably fair and equitable as they are, and in any case Mr. Nixon is going to keep mum on his own ideas for tax reform till next year (assuming his lease on the White House is renewed). Departing Treasury Secretary Connally goes so far as to argue that if the code gives anybody a tax credit, Congress intended it that way, so how can you call it a loophole? A slide show prepared by the Treasury explains that loopholes in the individual income tax don't add up to many billions of dollars in revenue loss.

Now, let's look at some facts. According to Treasury's own estimates, individual capital gains costs taxpayers $7 billion in revenue each year. This is the loophole under which gains from capital assets (stocks, bonds, real property) enjoy lower taxes if held for six months or more—and if capital is held until death and passed to heirs, any gain escapes capital gains taxes altogether. Interest on state and municipal bonds escapes federal tax, and that costs the Treasury almost $2.5 billion. The provision which permits individuals not to pay tax on the first $100 of dividend income costs $300 million. So here are just three loopholes which deprive the government of about $10 billion in revenues each year. In 1969, Congress enacted a "minimum tax" under which all wealthy individuals presumably were to pay some federal income tax. But more than 100 individuals each with incomes over $200,000 still paid no tax on 1970 incomes. What's more, the "minimum tax" which this amendment forced 18,000 wealthy individuals to pay (those with incomes of $50,000 or more) amounted to a rate of four percent on their incomes. On the average, Americans pay about 14 percent of their incomes in federal income tax.

What about business? The 1971 tax change which permits business to deduct seven percent of its plant and equipment spending from revenues costs taxpayers $2 billion a year. In 1970, Congress and the administration teamed to give business more generous depreciation tax allowances; this costs $3 billion a year. An astounding exercise in tax unfairness can be found in studying an Internal Revenue Service Report covering corporate tax returns for the July, 1969-June, 1970 period. It shows that 43 percent of all US business corporations in that period paid not a cent in federal income tax. How many American families can make that statement? Some of the corporations, of course, actually lost money. But the bulk escaped taxes because they took full (and legal) advantage of loopholes: not only depreciation and depletion, but amortization, investment credits and foreign tax credits. (It was these loopholes, for example, that allowed US Steel Corp. in 1971 to pay four times as much income tax to Venezuela, where the firm has extensive iron ore operations, than to the US Treasury.) In the period covered by the IRS report, corporations took $55.6 billion worth of depreciation, depletion and amortization tax credits.

IRS figures show that crude petroleum and natural gas producers pay about six percent of net income in federal income tax. For the mining industry the figure is 14 percent, for petroleum refiners 12.4 percent. In 1970, the nation's 19 largest oil firms had net taxable income of $8.86 billion but paid only 8.7 percent of that total in federal income tax. Gulf Oil paid 1.2 percent and Standard of New Jersey 10.8 percent, Texaco 6.4 percent and Standard of California 5 percent. Consider how the petroleum and natural gas industry uses loopholes: In the 1969-70 reporting period, they deducted from their gross incomes $418.1 million in depreciation and $740.4 million in depletion allowances. After taking these and other deductions (materials, payroll, amortization, etc.), the industry told IRS it had $1.26 billion in income subject to tax. On this, the industry theoretically should have paid $649.6 million in tax. (The corporate tax rate is 22 percent on the first $25,000 of net income and 48 percent on anything over $25,000.) But before paying up, the oil and gas operators were entitled to deduct two huge credits from net income: $9.5 million in investment credit and $526.3 million in foreign tax credits. Result: The industry paid $77.8 million in federal income tax, 6 percent of its taxable income.

It's little wonder the Democratic candidates are talking up the subject and getting warm responses. George McGovern has his reform program to close $28 billion worth of loopholes. Hubert Humphrey talks reform but not specifics. George Wallace frequently mentioned it, but was even less specific than Humphrey. McGovern and Humphrey (and Edmund Muskie) are co-sponsors of a major tax reform bill introduced by Sen. Gaylord Nelson (D, Wis.) that would close $16 billion of loopholes. On the House side, 11 Democrats have introduced a bill to close $7.25 billion of loopholes. The Treasury says Nixon has no tax reform plans, but some insiders concede he may pull a switch if public pressure grows. The Treasury, among other things, argues that tax reforms could hurt the economy, an argument similar to the one which found that to take ITT to court for its acquisitions would have hurt the economy. Assistant Treasury Secretary Edwin S. Cohen has cautioned that tinkering with the oil depletion allowance might injure the oil industry at a time of an energy shortage. A more rational position is that the energy shortage can be best helped by allowing more foreign oil into the country.

The Nelson bill would trim back the oil depletion allowance from 22 percent (it was 27.5 percent until 1969) to 15 percent, thus realizing $400 million in annual revenues. More importantly, the bill should tighten up the way oil men deduct intangible drilling costs, at a savings of at least $750 million a year. It's not

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to disparage these proposals to say that it's relatively easy for reformers to attack the oil industry; they don't get much money from oil. It's much tougher for them to attack capital gains, which is particularly lucrative for Wall Street brokers and their clients, some of whom contribute liberally to liberal causes and candidates. The loophole blatantly favors the affluent over the poor, and nobody has ever proved that stock buying or investment would be curtailed to any significant degree if the hole were plugged. Nor is there any good reason that the first $100 in dividends I might get should be deductible. No sensible man would deny that business should be allowed to deduct, for tax purposes, a reasonable amount for wear and tear on machinery (depreciation) and erosion of resources (depletion). But as the tax code now stands such allowances are excessive. And it never has been demonstrated that a seven percent investment tax credit is needed to spur capital spending. The level of business expenditures on plant and equipment (capital spending) is more closely related to the level of economic activity and executive assessment of future business.

**Robert W. Dietsch**

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## McGovern in California

# Tortoise Turned Hare

In Los Angeles, a bare-bones Humphrey staff is still moving into the old Muskie headquarters on Wilshire Boulevard. The Northern California Humphrey for President headquarters in downtown San Francisco has some posters on the wall, a handful of professional staff people, and a lot of empty desks. A few blocks away, the McGovern for President headquarters is pulsing with activity. Workers are scheduling, forming support committees, organizing money appeals, phoning the latest McGovern utterances to radio stations. In more than a hundred other McGovern offices throughout the state, aides are preparing to mobilize the hordes of precinct workers they expect will be there in the final weeks of the primary campaign. There is an air of a political machine that knows what it is doing and has the resources to do it. No one is quite ready to say so openly yet, but it looks as if George McGovern can win California and then wrap up the nomination two weeks later in New York.

McGovern has almost everything going for him in California. He will come into the state fresh from a victory in Oregon, which Humphrey has all but conceded. He will have as much if not more money than Humphrey. He will have an army of footsoldiers, and the advantage of being a phenomenon that has not yet peaked. On top of all this, he is bound to be helped by President Nixon's latest escalation in Vietnam.

If McGovern wins California, a winner-take-all contest, he will arrive at Miami Beach with at least 1200 delegates (1509 are needed for nomination). Humphrey aides insist it's possible for their man to lose California narrowly and still be a viable candidate, but the psychology of bandwagons argues otherwise. So California shapes up as the showdown, the last hurrah for one of the two contenders.

That McGovern could arrive in California with such momentum is a tribute to his painstaking effort at building from the grassroots up. The story in California is much the same as in other states. Competent though little-known cadres were recruited more than a year ago, and slowly began building a campaign organization that reaches into nearly every precinct. As other liberal candidates began dropping out, the McGovern organization picked up their best men and women. Money was raised from large single donors such as Max Palevsky, through a series of direct mail solicitations, and through benefits. Now, after moving, tortoise-like, for many months, McGovern's carefully built machine is sprinting for the finish line.

By contrast, Humphrey started late in California and diverted most of his big California money (Eugene Wyman, Walter Shorenstein, *et. al.*) to other primaries. Many regulars who might have been the backbone of a Humphrey organization signed up with Muskie, got burned, and are now sitting it out. Organized labor, which worked hard for Humphrey in Pennsylvania and Ohio, is supplying what muscle he has in California, but there is nothing resembling a full-scale mobilization. Labor allies of San Francisco Mayor Joseph Alioto are backing the Minnesotan, as is Sigmund Arywitz, head of the Los Angeles labor council. But John Henning, president of the state labor federation, is neutral, and so are a good percentage of middle-level union officials. Their feeling is that money and unity should not be squandered on a fight among Democrats but saved for the battle against Nixon.

The lack of all-out labor support means that Humphrey will have nothing to match McGovern's canvassing operation. Much of McGovern's early money was invested in computerized lists of every registered Democrat in the state. These lists carry the name, address and telephone number of each voter on a given street. Next to each name are coded numbers for precinct walkers to circle after talking with each voter in person: "1" means committed to McGovern, "2" means leaning, "3" means undecided, and "4" means opposed. Leaning and undecided voters are recontacted by mail or telephone; on election day all identified sympathizers are nudged to the polls. McGovern aides estimate that up to 90 percent of California's five million Democrats will be contacted either personally

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or by phone; this will require about 15 to 20 thousand canvassers.

Humphrey's people will be out on election day too, but their operation will be far less scientific and extensive. "As a nuts and bolts man," says John Donhoff, Humphrey's northern California coordinator, "I look around and say, 'Where the hell are the troops?' " What troops Humphrey has will be used mostly to phone people in heavily Democratic wards, especially the black wards.

Humphrey's difficulties are reflected in the latest Field poll, taken after the Massachusetts and Pennsylvania primaries but before Nixon's blockade of North Vietnam. The poll shows McGovern moving to within four percentage points of Humphrey. From a 23 to 7 lead in February, Humphrey's edge has shrunk to 35 to 31. In comparative trial heats against Nixon, McGovern actually does better than Humphrey in California, thus scotching some of the Goldwater analogies that have been suggested. In a McGovern-Humphrey pair-off there is almost an even split among union members, supposedly a bastion of Humphrey strength. Humphrey runs best among blacks, Chicanos and the elderly, and is likely to be aided somewhat by the Chisholm candidacy, which will attract some of the younger blacks and white radical women who might otherwise go for McGovern. But enthusiasm among blacks and Chicanos seems low at the moment; neither candidate has the magnetic appeal among minorities that gave Robert Kennedy his margin in 1968.

With Humphrey's lead in the polls shrinking fast and McGovern's canvassing blitz barely begun, it will take an extremely hard-hitting campaign by Humphrey to hold the slim edge that he has. There's no doubt that the candidate will give his all. Humphrey plans to spend nearly every day between now and June 6 in California. He will hit hard at McGovern's votes against the space shuttle, the Lockheed loan guarantee and cloture on 14(b), and raise the specter of increased unemployment if the defense budget is cut as McGovern proposes. He'll point out that McGovern isn't the white knight on the Vietnam issue that he claims to be, that he voted for the Tonkin Gulf resolution in 1964, against repeal of the resolution in 1967, and for a long string of defense appropriations.

There is also the possibility that Humphrey or his operatives may try to tarnish McGovern among Democratic moderates by raising the amnesty, abortion and marijuana issues, as was done to a very limited extent in Nebraska. If this happens the California campaign could become increasingly bitter. "If it does get polarized, I think McGovern will win," says Alameda County Democratic chairman Bill Lockyer, a McGovern coordinator, "but it will make it harder in November to pull people together." Humphrey aides discount talk of polarization. He's not far from McGovern on amnesty, abortion and pot, they say, and to exploit such issues would risk liberal and youth votes.

The outcome of the California primary may ultimately hinge on the extent to which Humphrey's infectious enthusiasm ignites the voters. "The question," says a Humphrey man in Los Angeles, "is whether our candidate can beat their organization." As of now the organization—and McGovern—look good.

**Peter Barnes**

## Testing New Democratic Party Rules

# The Chicago Challenge

## by Ken Bode

The most enduring image of the 1968 Democratic convention is that of Richard Daley, mayor of the host city, standing with his hand cupped to his mouth shouting derisively at Connecticut Senator Abe Ribicoff. Ribicoff had chided the mayor in his remarks nominating George McGovern. Expert lip readers examining films of the event have a pretty good idea of what Daley told Ribicoff. But if Illinois reformers have their way Chicago's mayor will have much less to say at the 1972 convention.

Led by the Reverend Jesse Jackson, chairman of PUSH (People United to Save Humanity), and Alderman Bill Singer, a coalition of Chicago Democrats including civil rights activists, leaders of the black and

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Latin communities, and several reform Democratic organizations have filed a challenge to 59 delegates and 31 alternates elected in the March 21 primary. The challenged delegates were all elected as part of Daley organization slates, and while technically uncommitted they form the corps of Hizzoner's strength within the Illinois delegation.

This is the most serious challenge the Democratic Party will face this year and in a convention likely to go beyond one ballot, Chicago's 59 votes take on added weight. On the one hand Daley is anathema to reformers, the symbol of what went wrong in 1968, and indications are that the delegates in Miami will be in a mood of reform. On the other hand, organization regulars regard the mayor as one of their own, and are not inclined to turn their backs on Daley who is one of the challenged delegates. Moreover, they see Illinois' 26 electoral votes as crucial to democratic hopes in November. Neither side is likely to view the matter in the spirit of compromise, and in a year when credentials fights are likely to figure prominently in party affairs, the challenge to Daley has the greatest potential to split the convention.

The reformers have carefully framed their challenge on demonstrable violations of important national party guidelines, including secret slate-making, the involvement of the official party apparatus on behalf of the Daley slates, and participation by officials elected four years ago in defiance of the new timeliness rules. Moreover the Daley slates fell far short of the requirement that women, blacks, and young people must be represented in accord with their percentage of the population. The elected delegates include only 12 blacks, instead of 25, and only 5 persons under 30 instead of 18. Women are the most severely underrepresented; only 6 of the 59 are female. "Not only did the organization fail to take the affirmative steps required to achieve fair representation of these groups," says black Alderwoman Anna Langford, "the organization deliberately used its power to assure the election of slates on which blacks, Latins, women, and young people were grossly underrepresented." In fact 37 of the elected Daley delegates are officials of the Cook County Democratic machine, the very group mandated to assure minority representation.

The challengers are backed by an array of affidavits attesting their claims, along with official Democratic national committee warnings to the Chicago organization. They are buttressed also by Daley's total and public disdain for the rules. In announcing his intention to use the organization to elect his slates, Daley told a closed meeting of his ward committeemen that he "didn't give a damn" about the McGovern Commission rules. "Once we get to the convention," he said, "no one would dare throw us out."

Instead of filing an answer to the challenge, the mayor has brought an action against the challengers in the circuit court of Cook County, a body comprised of an array of elected jurists qualified primarily by prior service to the Chicago Democratic machine. The Daley suit seeks to prevent Reverend Jackson and the others from pursuing the challenge, arguing that once the primary election is over, no one, including the national convention, has the right to upset its result. Much more is at stake in this suit than Illinois. If the national convention cannot enforce its own rules, the entire reform movement, fostered over the past four years, will be of little effect. As long as state law is observed, delegate selection processes—however closed or controlled—would be out of reach of the national party.

With no chance to win in the organization-controlled state court, attorneys for the challengers are seeking to remove the case to the federal judiciary. Speaking not to the narrow jurisdictional question which must be settled first, but rather to the broader implications of the case, Federal Judge Hubert Will commented two weeks ago that if an injunction were granted by any court it would infringe the political rights of the challengers and undermine the authority of the national convention. Recognizing the broad implications of the Daley action, the McGovern-Fraser commission has filed a "friend of the court" brief in Illinois defending the ultimate authority of the convention and the rights of the challengers to test the Illinois procedures at Miami Beach.

To pick their rival delegation, the reformers have scheduled 48 meetings all over the city to be followed by representative assemblies in each of Chicago's eight congressional districts. They promise that women, blacks, Latins, and young people will have representation "at least as great" as their presence in the population, and that the presidential preferences of everyone attending will be faithfully reflected in the final delegations. When asked about the possibility of Daley Democrats coming to the open meetings, Alderman Bill Singer affirms that they would be welcome. "We have no intention of substituting one closed process for another," he said.

There is little likelihood that the organization will attend. Nor is it expected to participate in the public hearings scheduled for Chicago late this month by Patricia Roberts Harris, acting chairman of the credentials committee. "The mayor is committed to a showdown between himself and the national party," says one reformer. "He will just sue us, harass us, and ignore everything else."

But unless he is successful in shutting down the challengers in the courts, the mayor will ultimately have to defend himself before the credentials committee. Nor is there much doubt that the matter will ultimately be decided by a vote of the full convention in Miami Beach—either side can easily muster the 15 committee votes necessary to force a minority report and a floor fight. In the meantime, Daley's

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demeanor and his denunciations of the reforms can only be calculated to divide the party even more deeply when the vote finally comes.

Those committed to universal application of the new guidelines are unlikely to want to make special exemptions for Richard J. Daley. But pragmatists have already begun to argue that it is impossible to win in November without Illinois, and impossible to carry that state without the active support of its leading Democrat. The Cook County organization carried the election for John Kennedy in 1960, but when Daley let turnout slip in 1968, Illinois wound up in the GOP column. So the question goes, "if you kick Mayor Daley out of the convention, aren't you handing the election to Richard Nixon?"

"The argument is compelling in its simplicity," says Paula Wolf, an Illinois elections analyst who has prepared an expert opinion for the challengers, "but it's false. Twelve years ago the mayor had far more power and four years ago he had more options."

Ms. Wolf offers three reasons for the erosion of Daley's power. First, Chicago is shrinking. Since 1960 there has been a steady and substantial defection of white, lower-middle-class workers to the suburbs, outside Daley's control. Recent elections indicate that the wards vacated by this exodus have been filled in by nonwhites and—for the most part—nonvoters. The suburbs now hold the balance of power in statewide contests, and they were two-to-one in support of insurgent Democrat Dan Walker in the recent gubernatorial primary.

At the same time, anti-Daley sentiment has produced a spirited independent movement in the city. A few of its leaders including Bill Singer have beaten machine-backed candidates for local office. Others like Jesse Jackson have built personal followings, further diminishing the number of votes available for delivery by the mayor.

Finally, there are the first voters, over a million-and-a-quarter in Illinois and nearly 400,000 in Chicago. Here, as elsewhere, the youth vote has already proved more independent, less deliverable.

Erosion of the mayor's power was obvious in the March primary. While the Daley slates were winning largely uncontested delegate races, organization-backed candidates were beaten in far more important primaries for governor and state's attorney. Because of these losses, mainly state's attorney—the chief law enforcement officer for Cook County—Daley has few options this year.

The patronage-based Daley organization is heavily dependent on a friendly state's attorney to assure that prosecution of election fraud is minimal and that tax assessment disputes are settled out of court by agreeable lawyers who understand why the business came their way. When incumbent State's Attorney Edward Hanrahan was indicted for obstructing justice in the 1969 slaying of two Black Panthers by Chicago's police, the mayor attempted to leave his old friend and political protégé off the Democratic ticket. But Hanrahan refused to be dumped and won the resulting three-way primary against an organization replacement and a reformer fielded by the anti-Daley Independents. If the organization is to survive, Mayor Daley cannot risk turning the state's attorney's office over to the GOP, so he is now forced to do everything in his power to assure Hanrahan's reelection.

That poses serious problems. Owing mainly to his role in the Panther affair, Hanrahan is in trouble in the inner-city black wards, normally bastions of Democratic strength. He polled only ten percent of the black vote in the primary, and, now, even black Congressman Ralph Metcalf, "declines to support" the Democratic state's attorney in November.

The independent Democrats, 135,000 to 150,000 anti-Daley votes, will deliver solidly to Hanrahan's GOP opponent. So to reelect Hanrahan and to preserve the perquisites of city patronage the mayor must turn out every white organization-controlled voter in the city of Chicago. He cannot afford the 1968 luxury of a light turnout, which so seriously damaged Humphrey.

Moreover, Daley-controlled voters pull a straight democratic lever; and to the extent the machine can still control votes, it does not split the ticket. In organization wards Democratic totals normally differ by no more than 300 votes from top to bottom on the ballot. Nor can the organization afford to promote ticket splitting at the presidential level in 1972 and thereby risk erosion of Hanrahan's vote—regardless of what happens at Miami Beach. So the challengers see no need to appease the mayor.

Despite such election logic, Richard J. Daley's reputation as a Democratic kingmaker is bound to count for something at the convention. If he holds out his personal support until the eleventh hour, as he did in 1968, the Illinois challenge will provide some uncomfortable moments for the two leading contenders, Senators George McGovern and Hubert Humphrey. Neither has taken sides at this point, but their general perspectives on challenges to enforce the reform guidelines differ somewhat. McGovern is on record for full enforcement. Humphrey equivocates somewhat. "If they do something about reform, that's an improvement over the past, but in this business you don't make quantum jumps overnight," he has said. "Reformers reach and pull back when the election approaches. When they can smell that victory, they say, 'Let's not go that far . . .' This is intramural politics, fight-or-fun, not really serious."

Fight-or-fun does not aptly describe intramural Democratic politics in Illinois. And the Chicago challengers can be expected to provide a serious test of the national party's commitment to its own rules when they confront Mayor Daley over his 59 votes at Miami Beach.

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Looking Ahead to the Convention

# Two More for Wallace

## by Paul R. Wieck

Before a gunman found his mark at a shopping center in Laurel, Md., George C. Wallace posed a sticky problem for the Democratic Party. Now, with a pair of stunning victories in Michigan and Maryland and the added measure of voter sympathy that must go to a man who was the target of an assassin, the Wallace phenomenon takes on more serious overtones. He would not have been nominated had he remained in perfect health, but he might have been easier to ignore.

Before the Democrats can deal with a convention challenge, they must know the nature of it. Wallace hadn't given too many clues before he was shot; in fact, he was just toying with the whole question of convention strategy in his speeches. Now, it's not known whether he'll recover sufficiently to devise a strategy for Miami Beach. The convention is less than two months away. Delegate selection must be completed by June 20, and key committees will be meeting in the weeks prior to the convention. There's not much time. Nor does Wallace have a stand-in handy to carry out his wishes. His wife, Cornelia, may campaign in the two remaining primaries—Oregon and New Mexico. But the infighting at Miami Beach could be fierce.

Judging from the support he had in 1968 (over 9 million votes) and the additional strength he's showing this year (his Michigan primary vote was double his general election showing there in 1968), one must assume his followers include five-to-ten million voters who might be reclaimed by the Democrats this fall *unless* events at Miami Beach leave them feeling cheated. These aren't politically sophisticated voters in the sense that they understand the intricacies of the selection procedures. They're not apt to appreciate Wallace's failure to organize more carefully so he would have a greater influence in the actual selection of delegates. So a lot of things that happen at Miami Beach are apt to seem unfair to them and deepen their hostility toward the Democratic Party and its eventual nominee.

Maryland and Michigan gave him over 100 of their 185 votes for two ballots but no guarantee to his followers that the delegates will fight for Wallace's cause. Maryland wasn't such a success for Wallace. It was a replay of 1964 when Wallace picked up 43 percent (he slipped a few points this year) of the vote against a favorite son running as a stand-in for President Johnson. This year, his opposition was split several ways, allowing him to sweep to victory in six of the eight districts, leaving only suburban Montgomery County (it went for McGovern) and Baltimore's black district (Humphrey) as holdouts. Wallace repeated his 1964 showing in the rural areas, small towns and blue-collar areas around Washington and Baltimore. So, 41 of 53 Maryland delegates must vote for him on the first two ballots or until he falls below 35 percent, which he's certain to do on the first round.

It was the size of his Michigan vote that was stunning. He was favored but, even with a heavy GOP crossover, a showing of close to 50 percent wasn't expected. Wallace's votes in that heavily industrialized state came from two sources—a heavy vote (attributable to massive resistance to school busing) that reached landslide proportions in white, working-class areas, *and* the big GOP crossover.

It isn't the first time Michigan's blue-collar workers have shown an interest in Wallace. It was touch and go in 1968. That year, the United Auto Workers (UAW), largest union in the state (nearly 700,000 members including retirees) made a major effort in the plants and, in the end, brought enough of its members back to hold the state for Humphrey by a comfortable margin. But it was different this year. Wallace backers couldn't be turned around this year. Instead, their numbers swelled dramatically. Perhaps because they were voting in a primary, they realized it was a free vote and used it to protest. Wallace will have close to 70 of Michigan's votes on the first ballot in Miami Beach.

The massive blue-collar defection was bad news for both McGovern and Humphrey but, everything considered, it was a dismal day for Humphrey. Michigan dealt him a cruel vote. It was there, 24 years ago (1948) he found his first allies as a youthful party renegade. He returned time and again, building a personal following that reaches down to the rank-and-file. If any state is a natural for him, it should be Michigan. But he ran a poor third. Black voters, normally 20 percent of a Democratic primary, split three ways (Humphrey, McGovern, Chisholm), giving Humphrey a small edge in middle-income precincts he counted on for good majorities. His friends in labor couldn't deliver. He had endorsements from the AFL-CIO and the Teamsters (500,000 members between them) but they didn't help. The UAW gave

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Humphrey and McGovern a double endorsement and watched its members flock to Wallace. Only in Maryland did the black community rally around Humphrey.

One concludes on the basis of Maryland and Michigan returns, preceded as they were by a series of modest wins and defeats (his sweep of West Virginia is the only exception) that Humphrey is in very serious trouble. Even if he pulls an upset in California, he can't reasonably expect to do anything more than deadlock the convention. If, by some twist of events, he gathers enough votes to win the nomination, how well could he expect to do in November given his primary showing in his old strongholds? After all, Maryland and Michigan were states Humphrey carried in 1968; both now have soundly rejected him.

The Humphrey strategy is backfiring. The first goal was to eliminate Muskie and co-opt the party's center. Muskie is out but the center has dissolved, leaving Humphrey stranded on the same ground he won from Muskie. Everywhere, Muskie workers have shifted more to McGovern and voters have split. The Humphrey camp had to bypass the caucus states, hoping the local "pols" would keep them in line. That hasn't worked out too well, either.

But for Humphrey's setback, May 16 wasn't a good night for McGovern, either. For his camp there had been a surge of hope for an upset in the closing days. McGovern's crowds were large and responsive in both states the last weekend. Canvass reports, while fragmentary, were hopeful. So were the polls. Then, as his campaign started to peak on the eve of the election, Wallace was shot in Maryland and all campaign activity was stopped. Spot checks showed few people switching to Wallace as a result but one suspects the attempted assassination padded a winning margin.

Unlike Humphrey, McGovern hadn't counted on Michigan for a boost. His delegate quota was a modest 20 percent. He'll get close to 30 percent. His organization was comparatively skimpy, his radio and TV spots late in coming. He spent little time there. While Humphrey must ponder two setbacks, McGovern can point to new victories in caucus states—Colorado and Utah, both of which will give a majority of their delegates to McGovern as a result of an outpouring of support in the precinct meetings (the early estimate was 80 percent pro-McGovern in Colorado and 17 of 19 delegates in Utah). Still, like Humphrey, he must live with the reality of the Wallace victories.

How is Wallace to be dealt with at the convention? The first imperative is to be fair and the burden for seeing that the Wallace people are treated fairly may fall on McGovern, for two reasons. First of all, he's the front-runner and, barring unforeseen setbacks he'll probably have more clout at the convention than any other person. Secondly, he chaired the party's reform commission, which was designed to make the process as fair as possible by making delegates *responsive* to the wishes of the people who sent them to the convention. But trouble is brewing in several primary states carried by Wallace, among them Michigan, Maryland, Tennessee and North Carolina.

In each of these states, the delegates will be bound by the results of the primary for one or more ballots; however, the delegates themselves will be named by party conventions or, as in the case of Maryland, were elected separately. For the most part, they'll be anti-Wallace. Already, there are reports that some (particularly some from Tennessee) won't honor the commitment, may even bolt on the first ballot or, perhaps, abstain. It isn't difficult to calculate the impact of this on the millions who voted for Wallace. They'll feel cheated. And rightfully so. If the process is to work, a high degree of fairness must prevail. It's more essential in a "reformed" process than it was in the past when the "pols" regularly ignored the people back home.

It will be much easier to straighten out the delegate problems than to find points of common interest with the 300 to 400 Wallace delegates on issues. Because the McGovern bloc will be the most influential and is clearly the most committed on issues, it will have major influence on the platform. Thus, it's up to them, as representatives of the other "protest" candidates, to find a few areas of agreement.

On his final day of campaigning in Michigan, Wallace told large, cheering crowds he would go before the platform committee to offer two constitutional amendments as planks—one requiring reconfirmation of Supreme Court justices every six years and a second calling for the direct election of federal district judges. The implications for his audiences, made up largely of parents emotionally upset over the school busing issue, were clear. But it's also clear the McGovern camp can't live with an anti-busing plank; therefore other areas of agreement must be sought.

Wallace has been sharply critical of McGovern's pledge to reduce defense spending by over $30 billion so that one's out. Nor are the Wallace people apt to buy McGovern's stand on the social issues (amnesty, for example). Gun control would seem ideal since Wallace was shot in Maryland, the state in which the "gun nuts" helped defeat Sen. Joe Tydings in 1970 because of his long advocacy of stricter controls. But that's not apt to be up the alley of the Wallace people, either. It leaves only one major issue—tax reform, on which Wallace has never been very specific, but it's potential common ground nonetheless.

Wallace's physical condition all but rules out a third-party effort and probably rules out any real personal involvement by him at Miami Beach. But the really important thing is to make sure the millions who backed him in primaries feel he was treated fairly when they switch off the TV at the end of the convention.

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Secrecy and the Grand Jury System

# The Indictment of Anthony Russo

## by James R. Bendat

Immediately after the Pentagon Papers were released by *The New York Times* last June, grand juries were formed in a few cities to investigate the circumstances surrounding the leakage of the secret documents. Within two weeks Dan Ellsberg had been indicted, and on June 28, the day he was taken into custody in Boston, Ellsberg admitted, "In the fall of 1969, I took the responsibility on my own initiative of delivering to the chairman of the Foreign Relations Committee of the US Senate the information contained in the so-called Pentagon Papers."

Surely this admission should have satisfied the government. One would think that the Los Angeles grand jury had done its job in handing down Ellsberg's indictment. But no, the government wanted further investigation of the case. So the grand jury went fishing. Large numbers of people were called to testify in Boston, including professors Richard Falk and Noam Chomsky. In Los Angeles friends and acquaintances of Ellsberg were subpoenaed, as were many people connected with the antiwar movement. One, Sally Binford, was asked during the course of her testimony, "What can you tell us about the *unlawful* possession of the so-called Pentagon Papers?"

Also called was Lynda Sinay, the woman who had allegedly helped duplicate the Pentagon Papers. Not wishing at first to testify, Sinay was granted immunity from prosecution, which meant that she would have to answer all questions posed to her, or face the likely possibility of being jailed for contempt. Sinay proceeded to tell the grand jury that she had helped make copies of the papers. As she later told me, "I have two children and I really didn't want to go to jail. It's that simple. Besides, I didn't tell them anything they didn't already know."

Because Lynda Sinay testified before the grand jury, she is free from possible prosecution. Her name is now included in the superseding indictment of December 29, 1971 as a co-conspirator in the case, but *not* as a co-defendant. The government's philosophy in these grand jury proceedings is one of "giving up the coyotes in order to get to the wolves."

Like Sinay, Tony Russo was subpoenaed by the grand jury in Los Angeles and proceeded to invoke his Fifth Amendment right of refusing to testify. The government then granted him immunity from prosecution, thus forcing him to make the same decision Sinay had already made; testify or go to jail.

Russo had been subpoenaed because he is a friend of Ellsberg; the two had worked together at the Rand Corporation in Los Angeles, the site of the alleged "illegal possession" of the Pentagon Papers. After having received degrees in aeronautical engineering and public and international affairs from Virginia Polytechnic Institute and Princeton University, Russo had spent 24 months in Vietnam on various Rand projects and had interviewed captured Vietcong and North Vietnamese prisoners. Ellsberg, too, had spent many months there in a policymaking position. It was upon returning to Rand from Vietnam that the two became close friends.

There was a great deal of information that Russo could have presented to the grand jury, but he chose not to help the government. He was cited for contempt of court, and on August 16 was sent to Los Angeles County jail for a week, then to the Terminal Island prison for another 40 days. He spent much of this time in the isolation block.

From the outset Russo had said he would testify in open court, his contention being that grand jury proceedings are too secretive. While in jail, he continued to protest his lack of access to a lawyer while inside the grand jury room, as well as the government's refusal to make available to him potential grand jury transcripts.

Six and one-half weeks after Russo entered prison, the question of whether he had the right to grand jury transcripts was argued before Federal Judge Warren J. Ferguson in Los Angeles. The attorneys were David R. Nissen for the government and Michael P. Balaban for Russo. Judge Ferguson ruled in Russo's favor and based his decision on the Secrecy of Proceedings and Disclosure section of the Federal Rules of Criminal Procedure. Ferguson said, "Usually, of course, in a routine case, witnesses are not furnished with copies of their transcripts before the grand jury. This case is an unusual case. . . ."

Judge Ferguson released Russo from custody with the understanding that Russo would testify before the grand jury and receive a transcript of the proceedings. Ferguson set October 18 as the date on which Russo would appear before the grand jury.

Ferguson's decision was a stunning one, and Russo

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was quick to embrace it. The government's response was different. The United States attorney, Nissen, viewed Ferguson's ruling as a dangerous precedent that could threaten the functioning of grand juries across the country. On October 5, four days after Ferguson's decision, Nissen sent a legal notice to Russo's attorney, Michael Balaban. It read: "The United States of America hereby notifies witness Anthony Russo, Jr., that the Government will respectfully decline to furnish him a copy of the transcript of proceedings of his appearance before the Grand Jury on October 18, 1971, on the ground that the order requiring such transcript to be furnished him is unlawful and made without and beyond the authority of the Court."

What *now* would take place on October 18, the day on which Russo had been slated to testify before the grand jury? If Russo was not to receive the transcript, would he testify at all? Or was Nissen bluffing?

The answers to these questions came at 10:30 a.m. on the day in question, October 18. Here is the complete text of the conversation that took place in the hallway of the federal courthouse in Los Angeles:

*Nissen.* Mr. Russo, I was talking to Mike [Balaban] about your appearance this morning. I told him, as I had notified him in writing, we are not going to be giving a copy of the transcript to you.
*Russo.* That is in violation of the court order.
*Nissen.* What I want to know is—are you willing to enter the jury room and testify under those conditions?
*Russo.* Before I answer that, would you tell me why you are violating the court order?
*Nissen.* I don't consider it to be a violation of a lawful court order. What I want to know is—are you willing to testify under those conditions, and will you now enter the grand jury room?
*Russo.* I'd like you to further explicate that for me.
*Nissen.* I would prefer you to consult with your own counsel because it is a legal matter.
*Russo.* I am still not clear as to what you want.
*Nissen.* All we want is for you to enter the jury room now.
*Russo.* We'll get to that question, but I'm not clear what you want here. Do I understand you are not going to give me a transcript? Is that correct?
*Nissen.* That is what I have told your counsel already.
*Russo.* What? You say that is not unlawful?
*Nissen.* Let's leave that. We are really not going to furnish you a copy of the transcript.
*Russo.* But that's a violation of the court order.
*Nissen.* The question is—are you going to enter the room?
*Russo.* First of all, I am trying to understand this. You are going to break the law, is that it? Is that what you're saying?
*Nissen.* We have told you what we are going to do You talk to your counsel.
*Russo.* I am trying to understand the process—the judicial process as opposed to the executive process and the legislative process. These constitute the law of the land. You are standing there telling me that you are going to represent an unlawful act, that you yourself are going to be judge, jury—*you* are going to decide this? That's what it sounds like. I'd like a response because I think we should have an understanding of this; I think we should have a meeting of the minds. Mr. Nissen, I am shocked.
*Nissen.* You are free to express your shock. I have told your counsel that the court order requiring the government to produce a copy of your transcript is an unlawful order.
*Russo.* Are you telling me that you are judging the judge? You are judging the United States judge? Are you telling me that?
*Nissen.* Are you going to enter the grand jury room?
*Balaban.* Tony, I think you're well aware that Mr. Nissen has done as well as he's going to do in answering your questions. Why don't we—do you have any other questions you want to ask?
*Russo.* Mrs. Jones [she was also in the hallway], are you the forewoman of the grand jury? Do you represent the people?
*Nissen.* Mrs. Jones is not going to answer any questions.
*Russo.* Wait a minute. Mrs. Jones can speak for herself.
*Nissen* (to Mrs. Jones). Don't answer him.
*Russo.* Mrs. Jones, do you oversee . . . do you represent the public?
*Balaban.* Tony, we really can't go into that. She is not the protagonist in this particular issue.
*Russo.* But she represents the people.
*Balaban.* Well, that's the grand jury process.
*Russo.* Is it a rubber stamp process, Mr. Nixon—I mean, uh, Mr. Nissen?
*Balaban.* Why don't we—
*Russo.* Mr. Nissen, this whole thing is unlawful.
*Balaban* (to Russo). Let him ask the question and then we will confer, okay? Go ahead, Mr. Nissen. What is the question?
*Nissen.* Will you enter the jury room now?
*Russo.* I will not be a party to an illegal act on your part. You better dig it.
*Balaban* (to Nissen). Is that sufficient?
*Nissen.* I take it that in ordinary English that he would say he refuses to enter the room.
*Russo.* Let me tell you again: I will not be a party to your illegal act. I will not enter your grand jury room unless you comply with the court order.

So Anthony Russo did not testify before the grand jury on October 18. At 11:15 that morning, David Nissen returned to Judge Ferguson's court for the first time since October 1—the day Russo had been freed from jail. Nissen's purpose was to inform the judge that the government was not going to furnish Russo with a transcript of the grand jury proceedings, and

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to ask the judge to reverse his earlier decision on the matter, thus possibly forcing Russo to return to jail.

Nissen began his argument by saying, "We find that if we are forced to give transcripts to witnesses presently being questioned that the persons under investigation will have as much as we do, and we think it will prevent the jury from fulfilling its function, in our opinion."

Then the following colloquy took place between Nissen and Judge Ferguson:

*Nissen.* Our opposition is based on the principle, your Honor, that if the grand jury is forced to disclose transcripts as distinct from letting a witness go out and state what he wants to state, if we have to present transcripts of what actually occurred during the investigation, it will prevent the jury from operating in its necessary environment to fulfill its function.
*The Court.* Now, you have to explain that to me.
*Nissen.* It's a simple fact, your Honor, that if each grand jury witness is accorded what Mr. Russo has been accorded, that a full set of transcripts will be available on the outside of the grand jury's work, available to the very people who the grand jury is investigating.
*The Court.* Well, your argument, then, is a secrecy argument.
*Nissen.* In part, yes, and—
*The Court.* But there is no secrecy on a witness. Mr. Russo can go out and he can tell everybody, the whole world, as to what took place within the grand jury room.
*Nissen.* Yes, sir, but he has to—
*The Court.* And for the sake of being accurate, wouldn't it be better to have a transcript rather than have rumors be spread around?
*Nissen.* It might be better for whatever Mr. Russo has in mind, but it would be absolutely devastating for the grand jury's functioning if—
*The Court.* Well, isn't it better for the United States that the things be reported accurately rather than inaccurately?
*Nissen.* Well, your Honor, I think it's better for the United States that they not be reported at all while the investigation is in progress.
*The Court.* Well, I'm sure the government wants to have them secret but the law is that they're not secret.
*Nissen.* But may I point out to your Honor that this witness here is the first one in history, that I have been able to locate, who's been accorded such an order and the very reason that such orders aren't given is that—
*The Court.* See, Mr. Gideon was the first one in history that was provided with a lawyer down in Florida [reference to precedent-setting 1963 case of *Gideon v. Wainwright*, 372 U.S. 335, which guarantees indigent defendants in felony prosecutions their right to counsel].
*Nissen.* Yes, your Honor, but that, I think, is an entirely different matter and we find absolutely no authority for this particular—
*The Court.* Well, I understand that, that part of it, but I can't understand the government's hesitancy unless the hesitancy is it's never been done before. Now if that's the reason, you know, that may or may not be a valid reason. We've established the fact that the secrecy reason is invalid.
*Nissen.* No, sir, you haven't to my satisfaction, or to the government's. I mean, that may be your opinion. Our respectful opinion is that if the grand jury is compelled to disclose the nature of its proceedings to the very persons it is investigating, its investigation must necessarily fail. We don't want to see that happen, of course.

As Judge Ferguson pointed out, all of Nissen's arguments had as their basis the desire for secrecy. The government's position was, in short, that Russo must testify before the grand jury *in secret or not at all.* (This eventually was to change to the following: Russo must testify, and in secret, or else he would be indicted as Daniel Ellsberg's co-conspirator.)

On November 17, Judge Ferguson wrote an 18-page *Memorandum Opinion and Order* which reaffirmed his October 1 decision. He discussed briefly the historical development of grand juries and pointed to the necessity for some secrecy within grand jury proceedings. But, he added, "It is the conclusion of this court, therefore, that furnishing a grand jury witness a transcript of his testimony shortly after his appearance is not inconsistent with valid reasons for grand jury secrecy and will not diminish the effectiveness of the grand jury system or interfere with governmental efforts to investigate crime."

Ferguson also said that Russo, in promising to testify before the grand jury conditional upon being furnished a transcript of his testimony, had purged himself of the contempt charge for which he had been imprisoned in August.

Government authorities were now in a bind. They wanted Russo to testify before the grand jury, but they also wanted to maintain the secrecy of grand jury proceedings. Judge Ferguson's decision had made it clear that both of these governmental desires could not be met. David Nissen would now have to decide between one or the other: Russo's "open" testimony or grand jury secrecy. Secrecy won out; it was best for the government if Russo did not testify at all. As Nissen himself had said in court on October 18, ". . . if the grand jury is compelled to disclose the nature of its proceedings to the very persons it is investigating, *its investigation must necessarily fail.*"

Nissen and the government never again called Anthony Russo as a grand jury witness. Instead, on December 29, they indicted him. The case of the alleged "co-conspirators," Ellsberg and Russo, will go to court this summer in Los Angeles.

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# Stanley Kauffmann on theater

## Right Down the Middle

*The Crucible* (Vivian Beaumont). This revival was doomed to inadequacy with the casting of Robert Foxworth as Proctor. He is an actor of ability, but he is grossly miscast. He suffers from a management at Lincoln Center that has, once again, chosen a play with a crucial leading role and, apparently, only afterward thought about casting the role. It has happened often before; this time the afterthought is Foxworth.

Even if every other element in Arthur Miller's play is rendered perfectly—and some of them here are rendered well—it cannot succeed unless Proctor is authentic. Foxworth is physically unconvincing: when he talks about farming, he looks and sounds like a man home from a hard day on Madison Avenue. He is temperamentally unsuited, unable to suggest the dark Hawthornean doubts and hungers that Miller would like. The role is meant to symbolize archetypal puritan American conscience, flaws and all; and if the actor cannot encompass that size, there simply is no show, no matter what else is good.

Some of the rest *is* good. Pamela Payton-Wright, whom I have admired since her Kattrin in a Milwaukee *Mother Courage* six years ago, is perfect as the sex-driven Abigail. Philip Bosco wrestles credibly with new ideas of duty as the Reverend Hale. Nora Heflin is fine as the muddled, malleable Mary Warren. Martha Henry, not an actress to enchant audiences but a competent and intelligent one, is strong as Elizabeth Proctor, the cold woman who moves through pain to admiration of her husband.

John Berry, who directed *Boesman and Lena* excellently two years ago and has done lesser work since, does only fairly well here. If he had a hand in the good performances noted, he also had a hand in the poor ones and the miscasting. If he treated some scenes dynamically (like Elizabeth's unwitting betrayal of her husband), sometimes I was aware of people standing around in semi-circles as in a Shubert operetta; and his sense of vocal levels occasionally confuses volume with drama. Jo Mielziner designed good lighting and suggestive sketch-sets, but it's difficult to handle the acreage that actors have to traverse on that stage before they get down to where it matters.

As for the play itself, when it was first produced in 1953 Eric Bentley, a radical, had the courage to point out (in this journal) that it was analogically dubious. The Salem witchcraft trials of 1692 were used as a parallel with Joe McCarthyism, but Bentley noted that witchcraft is imaginary and Communism is not.

Now Joe McCarthy is dead, though not very deeply buried, and *The Crucible* must live, if it can, without patent reference. In one way, time has helped it. It was a thematically schizoid play: its last act was a moral-metaphysical drama. Now the political underscoring is less heavy in the first three acts, and it becomes an imperfect drama of an imperfect man driven by his imperfections to a chance for purification. His sin, of adultery, makes him the victim of a plot, and that plot gives him a chance for a redemptive action.

Those first three acts are too plotty to be deep and the plotting sometimes creaks: the business of the needle in the doll, for instance, or the speed with which Governor Danforth changes (in Act Three) from a keen legalistic mind to a credulous believer in hysterical girls' accusations.

Still, for me, it is Miller's best play. Those first three acts have some motor force, the language steers most of the time between mouthy archaism and modern vernacular, and the character of the Reverend Hale is possibly Miller's best dramaturgic stroke: a shadow protagonist, a "safe" man undergoing an empathic crisis, something like (excuse the profanity) Nicodemus against Jesus.

One can understand, watching those first three acts, why Miller has become the most popular social dramatist of his time, not only in America but in the world. He deals exclusively with received liberal ideas. The best social dramatists, and many inferior ones, have usually dealt with dangerous ideas. In Ibsen's worst social plays, this is true; the basic theme of *An Enemy of the People* is that the majority is always wrong. Miller adapted that play (and lessened it), but he could not have tackled that theme himself. Ibsen wanted to show his audience its failures: Miller makes enlightened folks feel even better about themselves.

Except for the last act of this one play, *The Crucible*. Proctor can sign a false confession and live, if he chooses, and with this choice the play moves out of the political analogy of the "old" version or the plottiness of the "new." Proctor wants to live, naturally, but he also thinks it would be fraudulent to die for his beliefs, a kind of moral arrogance. Then, by refusing to name

*(continued on page 34)*

## Films Worth Seeing

*Cabaret.* Isherwood's Berlin is the rather remote begetter of this glittery musical. Much better than average, just not as important as it thinks.

*A Day in the Death of Joe Egg.* An English couple with a helpless spastic child. Peter Nichols, the author, Alan Bates and Janet Suzman, the couple, play breezily *against* the obvious pathos for some real pathos.

*Gumshoe.* A breezy but bored Liverpool night-club comic opts for the Bogart life and lingo. Albert Finney keeps the fantasy funny.

*The Hospital.* George C. Scott blasts off in a wobbly but often bright Paddy Chayefsky script about a middle-aged New York doctor and his young doxy.

*Pocket Money.* A modern, funny anti-Western. Paul Newman and Lee Marvin are endearing as two cattle-buying bumblers. Rambles, but very pleasantly.

*The Sorrow and the Pity.* A 4½ hour documentary—the shortest 4½ hours conceivable—about occupied France and some survivors today. Intelligent, humane, truly unforgettable.

*Tokyo Story.* A gentle masterpiece by Yasujiro Ozu, about parents and children and the passage of one's life. If any of these subjects happens to interest you, insist that a local manager book it—from New Yorker Films.

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# Norman Mark on TV

## The Wasted Wasteland

The following network TV series were *not* announced as part of ABC's, NBC's or CBS' new fall prime-time schedules:

► a weekly series on the lives of George Washington, Benjamin Franklin or Thomas Jefferson;

► a four-year weekly dramatization of American history from the Revolutionary War to 1976;

► an anthology of the finest dramas ever written—Shakespeare, Ibsen, Shaw, Molière;

► a weekly commitment to investigative news reporting in which several teams would be responsible for digging out a controversial story and telling it truthfully;

► a Sesame Street series for parents;

► musical shows for the young, with rock groups given 30- or 60-minutes to perform.

Not this fall. We're going to see up to 13 new detective series, nine new situation comedies, two variety shows and some horror stories—plus a show about a family in Appalachia that will be placed in a timeslot where it is sure to be a ratings flop.

CBS will offer no new detective shows, but ABC and NBC will more than make up for that oversight. On NBC, we'll follow the doings of a Polish insurance investigator ("Banacek"), a New York cop ("Madigan"), a gunfighter in a small town ("Heck"), a crimefighting judge ("The Judge and Jake Wyler"), a man who takes any job so long as his fee is $1,000,000 ("Cool Million") and detectives old ("Banyon") and new ("Probe"). ABC will counter with young policemen ("The Rookies"), agents with photographic memories ("The Delphi Bureau"), missing-persons-bureau detectives ("Jigsaw"), overseas spies ("Assignment—Vienna"), West Coast detectives ("The Streets of San Francisco") and a self-defense expert in the Old West ("Kung Fu").

That's the aftermath of Sen. John O. Pastore's (D, NH) recent hearings on TV violence and its effects on children. The key statement on those hearings was made by Surgeon General Jesse L. Steinfeld. Broadcasters "should be put on notice," he said, because there was enough evidence "to warrant appropriate and immediate remedial action."

The fall schedules were announced later than usual this year because the networks were waiting to see how Pastore's hearings would turn out. It is therefore especially instructive to compare what network representatives said at the hearings with what they subsequently did.

John A. Schneider, president, CBS Broadcasting Group: "If what is meant is that programming should reflect such human values as compassion and affection and, most importantly, should exemplify the nonaggressive solution of human problems—these values are currently reflected in many television programs today. On CBS, these include such series as 'My Three Sons,' 'The Dick Van Dyke Show' and 'Arnie.'" Yet, following Schneider's statement, "My Three Sons" and "Arnie" were canceled and will not appear on the CBS fall schedule. However, CBS will present two violent series before 8 p.m. in the Midwest (before 9 p.m. on both coasts)—"Gunsmoke" on Mondays and "Hawaii Five-O" on Tuesdays.

Elton H. Rule, president, American Broadcasting Companies: "When selecting a time period for new prime-time series, the program concept and, more importantly, the content of a series will also be more carefully considered in the future in terms of its possible adverse effects on children and young viewers." Yet, despite Rule's statement, ABC will give us, before 8 p.m. in the central time zone (before 9 p.m. on the coasts), "The FBI" (Sundays), "The Rookies" (Mondays), "Mod Squad" (Thursdays) and "Kung Fu" (every fourth Saturday).

Julian Goodman, president, National Broadcasting Co.: "I want to summarize by emphasizing that at NBC we do recognize the influence of our medium on American life, on children and adults alike. We do not assume this influence to be flawless. We have always acknowledged room for improvement, and we seek to operate in the best interests of the public. We will continue to do so." Yet, according to Dr. George Gerbner, dean of the Annenberg School of Communications and creator of a respected index of video violence, NBC has been our bloodiest network—and with its fall schedule, NBC will make it impossible for any other network seriously to oppose that claim. Aside from its detective shows NBC will offer this fall, before 8 p.m. in the Midwest (before 9 p.m. on both coasts), "Mystery Movie" (Sundays), "Bonanza" (Tuesdays), and "Adam-12" and another "Mystery Movie" (Wednesdays).

So, no doubt about it, our child can see a different violent show (maybe two or three) before bedtime every day of the week. Furthermore it should be remembered that young children often do not see TV violence in the context of a plot. It makes little difference to many of them if the bad guy loses or if law and order triumph in the end. The *act* of violence is what impresses them. As one scientist explained to me during the hearings on violence, if Mannix is seen beating a man senseless on CBS and Mannix is then congratulated, how can the child conclude that it is bad to break the law? He or she quickly takes in that there are rewards for violence, and that one (approved) way to settle differences is to break a handy nonreturnable bottle and have a go at it.

Sen. Pastore, throughout his hearings, pleaded for only a little self-restraint. The fall network TV schedules give Pastore exactly what he requested: only a little.

Now while it is obviously difficult to locate and measure quantitatively the sources of violence in our society it is equally obvious that the society has enough violence going for it to suggest that *any* violence vendors should be cautious. The TV magnates should not for example find solace in the observation by the girl friend of Arthur Bremer, the man who tried to murder Wallace, that Bremer didn't have TV or radio in his Milwaukee pad (but did have sex comics).

"THERE IS NO WAY *adequately to describe a day on the trail with Hubert Humphrey. It is like spending two weeks in a milkshake machine. Syrup, ice cream, malt, milk—all those wholesome goodies spin and froth and foam together. He pours out a speech like Tastee-freez. Humphrey doesn't run for office. He sprints.—James Jackson Kilpatrick.*"

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# Gerrit Henry on art

## Gloomy Analogy

Last season, the Richard Feigen Gallery in Manhattan mounted an exhibition of drawings by the German artist George Grosz. These works, which have by now been made public property by the advertising campaigns for shows like *Cabaret*, were enjoyable in a schlitzy, engroszing way. There was little to complain of in the artistic end of the exhibition itself, but its effect was marred by its catalogue, containing an introduction by Richard Feigen drawing facile comparisons between pre-Nazi Germany and post-Kennedy America.

A similar if more subtle atmosphere of gloomy analogy has hung around a new spring show at the La Boetie Gallery in Manhattan, "Degenerate Art." Initially one might have thought that this was yet another airing of those strange, generally ungainly works by the recently fashionable *fin de siècle* Pre-Raphaelites and Symbolists, but such was not exactly the case. "Degenerate Art" featured perfectly acceptable paintings by such perfectly respectable artists as Dix, Beckman, Schwitters, Klee, Chagall, and, bringing up the School of Paris vanguard rear, Picasso, Braque and Matisse. If one had no idea of the show's theme, he would have found it a fairly academic, rather arbitrary piece of modernist picture-hanging.

"Degenerate Art" did, however, have a theme, and it was a whopper. In 1937 Hitler organized a traveling show composed solely of works of art executed by those European avant gardists the Fuehrer (something of a Sunday painter himself) found to be degenerate, thus culturally undesirable. In planning their exhibition, the people at La Boetie aimed for a fairly authentic recreation of Hitler's touring art-health fair, with so much attention being paid to historical detail that one could have a facsimile edition-cum-translation of the original show's catalogue, rife with comparisons of Klee's painting to a schizophrenic's (with the schizophrenic coming out on top) for a mere seven dollars.

An attention to the details of Hitler's stupidity, though, was not enough to make this alleged exposition of his stupidities work. From the present catalogue we can see that the original show sported wall-to-wall inscriptions spelling out, for the people of Germany, the damning degeneracy of the art displayed; the La Boetie recreation evidenced a notable lack of any such party graffiti, so that despite its facsimile catalogue it didn't work as an installation piece. Hitler's show featured art that was more or less new to its viewers; but Klee, Chagall and Picasso, however eternally fresh their works are, in a historical context like this, unabashedly old-hat, and the fact that the organizers of this show used stand-in paintings where the originals weren't available didn't help much to brush things up. Finally, the 1937 show served a purpose, however heinous, but it was not at all clear what the purpose was behind the recreation at La Boetie.

In his introduction to the Grosz show, Richard Feigen at least came right out and admitted that he hoped to force certain parallels between one period and another, but "Degenerate Art" made no such outright claims. Instead, the viewer was offered an ambiguous clue to the show's "relevance": placed neatly under glass in the gallery was a recently dated letter from a New Yorker with a distinctly German name, reiterating, complete with faulty, burlesque-type English grammar, the old Nazi opinion on the art being displayed. This viewer first supposed that the letter's display was designed to prove that the same stringently banal, wrong-headed thinking that eventually gave rise to the Third Reich is still alive and well, and living in Manhattan. But one has never really had any doubts as to this; what was surprising was that an urban gallery, supposedly a place of enlightened exhibitionism, had taken it upon itself to make so much of a clearly crackpot letter, ensconcing it, along with the red, white and blue-bordered envelope in which it came, in a shrine-like place of honor.

Meditating about *that* the viewer came to feel that the purpose of the La Boetie recreation was bewilderingly similar to Hitler's original. Resorting almost unconsciously to the same sort of preachy peachy tone that the Nazis cherished, the "Degenerate Art" sought to free the viewer from the Fuehrer by reacting to him very much on the Fuehrer's own terms. It didn't matter that La Boetie was on the side of the angels. Curatorial good intentions are just not enough, since Hitler also can be said to have had them. By playing a kind of historical Simon Says the La Boetie show pointed up not only the horrors, but also the lure of cultural totalitarianism.

So it was regrettable that "Degenerate Art" was a didactic, and not a conceptual, exhibition, manifesting itself finally as some kind of liberalist propaganda. The latter being, ideally, a contradiction in terms, one was reminded of the currently fashionable and perennially valid political maxim to the effect that the oppressed, in triumph, mustn't take on the characteristics of the oppressors. This last, finally, and not any patently anti-Fascist one, was the moral of the La Boetie show, and was, to all appearances, unintended.

I have said little about the quality of the actual works in "Degenerate Art," both because the quality varies according to taste, and because the art exhibited was so little on display. The viewer felt almost guilty in making any value judgment other than positive on the works, and if he was not naturally inclined to the Expressionism that made up the large part of the show, the guilt doubled unfairly. Basically, the premeditated innocence of the paintings in this show stood in the way of their beauty, and quality tended to get lost in the shuffle of political sentiments. Art, above all things, tends to make itself clear by not submitting to any ideology. Just as it is often the people who gain the least from the various political and social reactions activated on their behalf, so when art is used as a platform it tends to take a timely powder, waiting around in upper limbo until such time as the coast is clear, and the road open.

NOTES ON CONTRIBUTORS

NORMAN MARK *is a TV critic for the* Chicago Daily News. GERRIT HENRY *is the NY correspondent for* Art International, *and an editorial associate with* Art News. GEORGE CHARNEY *is the author of* A Long Journey *(Quadrangle).* W. T. LHAMON, JR. *teaches English at Florida State University.* JEAN MORGAN *is a graduate student at the University of Maryland.*

**Coming**

*Michael Harrington's*

Socialism

*reviewed by Robert Coles*

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# Without Poverty or Riches

## Designing the Industrial State

by James Gilbert

(Quadrangle; $10)

The rise of the corporation at the turn of the century led to an extraordinary movement known as collectivism and to the widespread expectation that it would end poverty and make for a good society.

The intellectuals behind the collectivist experience included liberal reformists from the settlement houses, the churches and the municipal clubs, as well as socialists of the Fabian and Marxist schools; they were inspired by the Utopians and especially Edward Bellamy's *Looking Backward*. Bellamy's volume envisioned, by the year 2000, a society without poverty or riches or politicians. Charles Beard described the book as America's "Epic Dream". . . "that served as a torch from which were lighted the aspirations of multitudes."

What the collectivists of all stripes shared was the belief that the rise of the new industrial society offered unlimited possibilities for reform, especially through the corporation. Some saw the corporation as the fourth stage of civilization after slavery, feudalism and capitalism, and regarded it as "the most effective form of economic organization ever to appear." Others were interested in its dual character in which the Trust represented its oppressive aspect. The optimism of most was based on the separation of functions in the corporation and the belief that the managerial function would assume hegemony while the element of ownership would diminish in importance. Thus, science not personality or ideology would be the backbone of the new economic and social structure.

The rise of collectivism in effect represented a historic break with laissez-faire capitalism and the economic individualism of the 19th century. The transition to a collective democracy or socialism was viewed as an internal, home-grown, made-in-America, peaceful affair in contrast to the apocalypse envisioned by Karl Marx. In the first part of James Gilbert's absorbing and creative study the author describes the unfolding and interplay of collectivist ideas. Though many of the intellectuals are familiar to us, we are given a new understanding of their specific contributions and of the profound impact of the utopian experience. Some were imbued with a sense of mission and shared the conviction, so familiar to contemporary radicals, that they represented a vanguard, a priest-scientist elite whose role was to mediate all conflicts and guide the new society. Particularly in the latter part of the book Gilbert presents the elitist role by describing the life and work of six prominent intellectuals associated with the collectivist movement, each of whom gave his own stamp to such aspects of collectivism as socialism, managerialism, industrial democracy, pluralism and the corporate society. Gilbert starts with Edmond Kelly, a wealthy, aristocratic intellectual who joined the Socialist party and attended meetings held in the back of Bodenbach's Bar and Saloon in New York City, a convenient point of contact with working-class comrades. Kelly is described by Charles Edward Russell as immaculately dressed, with "scholarly bearing, delicate features, carefully trimmed gray hair and modish attire" — it should not be difficult to recognize his counterpart in our society. Kelly's version of socialism was that of a new moral order based on the economy of collectivism. He expressed his views with a great deal of urgency. He died in 1909 and was mourned by Ben Radman, King of the Hoboes, as a "man dedicated to those who dwelled at the bottom of society."

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his friend, Upton Sinclair, received little popular support, as did the companies he formed to advance his utopian schemes. In the latter part of his life, though discouraged by his failure in the world of reform, he reiterated the importance of ideals to mold public opinion. He saw the Russian Revolution as proof of the possibilities of a corporate society and in 1930 stated that Russia was close to being the most advanced country in the world and would surpass the United States in a generation. He died an unyielding advocate of reform.

Charles Steinmetz represented the science of industrial organization. He was, in Gilbert's terms, the resident intellectual and socialist at General Electric. In 1922 he offered aid to Lenin, who, it may be remembered, described Communism as Soviet power plus electrification. Apparently Steinmetz was prepared to give practical aid to the latter part of the equation, for he did in fact serve as adviser to the Kuzbas colony, one of the early complexes in the Soviet Union. He saw the corporation as the fundamental institution of a reformed capitalism and the embryo of an efficient and meritocratic society. In 1916, he stated that if "America did not have a cooperative revolution, it would die economically." He envisioned a utopian state ruled by benevolent corporations and expert managers. He offers the fascinating paradox of a great scientist whose "life story is written on a General Electric letterhead," but his "New Epoch" had little to do with either socialist theory or capitalist reality.

William English Walling was one of the central figures in the socialist movement of the 1900s. He sought to combine the individualism of Thomas Jefferson and socialism. In this respect he was a critic of collectivism. The Socialist party represented the left wing of the collectivist movement, and its most dynamic force. Walling came from a wealthy and politically prominent family of Kentucky. He learned his socialism from Russian-Jewish immigrants of the New York ghetto and from the workers in the garment unions. These associations in the steaming coffee houses of the East Side stimulated a great interest in the Russian Revolution of 1905 and the hope that it represented the fulfillment of the French Revolution. In later years he turned against the Bolsheviks and the Soviet Union. In the company of John Spargo, Charles Edward Russell and others, he left the Socialist party in 1917 because of its opposition to American participation in World War I.

In his active period he considered socialism a blend of industrial unionism and political democracy. He opposed the concept of state socialism, the merger of the state and industry that many socialists saw as the most logical and fruitful form of collectivism, on the ground that it represented in effect the continuation of capitalist rule. Walling was one of the first leaders of the Socialist party to express a deep interest in the Negro question; he wrote about the Springfield riots of 1905, and subsequently helped to form the NAACP. He saw himself as a majoritarian Socialist, hence sought to reach out to the middle strata, such as scientists, intellectuals, clerks and others. He felt that the working class, while it represented the spearhead of social change, was a minority and needed allies. In his best moments, Walling pictured socialism not as a single movement for reform, but as the highest manifestation of modern thought and progress.

Reinhold Niebuhr was the most formidable and complex of the six personalities selected by Gilbert. He stood outside the collectivist movement and challenged its utopian and elitist assumptions. He was the product of the "Social Gospel" movement of the Protestant church that had emerged as a powerful force in favor of drastically reformed capitalism. His early years were a bitter, disillusioning experience among auto workers in Detroit, watching the brutalities of Henry Ford, and brought him close to Marxism. A visit to the Soviet Union reversed his direction, but he retained a keen understanding of class conflict as a central fact in American life. Unlike Marx he did not believe that the conflict could be eliminated, but that it had to be kept in check by countervailing force. The fundamental issue was power and the best that could be achieved was an equilibrium or balance of power. Despite criticism of the New Deal, he came to see it as "a supreme effort to retain that balance, to preserve the 'vital center.'"

James Burnham is the last on Gilbert's list. The chapter is described as "Collectivism Triumphant." That Burnham's work is seen as the culmination of the collectivist experience is of course ironic, in light of Burnham's tempestuous journey from Communism to McCarthyism in the space of two decades. His *Managerial Revolution* is a polemic against what was viewed as the most positive aspect of collectivism: the planned society. Burnham's hatred of the Soviet Union matched his hatred for the New Deal. What he feared was the emergence of the state as an independent force encroaching on the freedom of the capitalists. He described the latter watching the "monster state spread its dark wings" over all areas of society. "Individualism, private initiative, natural rights, the idea of progress and bourgeois rule was being replaced" by the New Deal state. His efforts to reverse the course of history and return to a society based on laissez-faire led him inexorably to a position on the extreme right. What he could not anticipate was the turnabout—the present use of collectivist techniques in aid of corporate wealth and privilege.

These six biographies complete the study of the collectivist intellectuals and their role in shaping American political thought. It is an original study written in firm, sinuous prose that should appeal to the general reader as well as the academic. The author keeps well within his own bounds, from 1880-1940, without attempting, in the manner of most radical historians, to speculate on its contemporary import. By revealing the variety and continuity of American utopian thought, however, the book stimulates curiosity about at least three contemporary questions. One question emerges from the quiet and pregnant comment of James MacKaye that "socialism is implicit in American life." Socialism's range extends from the Fabian view of William D. P. Bliss of a "socialism, broad enough, free enough, practical enough to include all that is of value, no matter whence it comes," to the monolithic system of Soviet Communism. Whereas the weight of socialism in the past was to support reform, the interest in reform today is seemingly predicated on the expectation that it will lead to a fundamental change in the structure of society in a form that approximates the socialist ideal. Michael Harrington, in his new book *Socialism*, takes up the argument again in a brilliant effort to redefine it in contemporary terms. The second question concerns the role of the radical intellectual. The attitude of the old collectivist forces toward the New Deal, for example, revealed a profound uneasiness of radicals toward popular movements. Even Niebuhr spoke of "whirligig reforms" and at one mo-

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ment described the liberalism of the New Deal as a "spent force" with an inevitable drift toward Fascism. *The New Republic*, in the same period, in 1935 stated that "there is no hope of a feasible middle course." This experience suggests in retrospect the vital importance of the dual role of the radical intellectual; to give expression to the utopian view to inspire the broad constituency of educated youth, yet simultaneously to encourage the coalescence of the social forces whose unity on immediate programs is the pre-condition for progress. The third question may be the most controversial, and concerns in effect America's crisis-tolerance in dealing with major problems. Intellectuals in the collectivist movement assumed that the problems, such as poverty, were universal, but that America was unique in its capacity to deal with them without resorting to civil war or revolution. The continuing poverty, the war in Vietnam, the polarization of society puts this uniqueness to a crucial test.

**George Charney**

# In History's Ashcan

## Mike Gold: A Literary Anthology

edited, with an Introduction by Michael Folsom

(International; cloth $9.50, paperback $3.25)

Michael Folsom, Mike Gold's editor and friend, finds him important because he is the "very pariah of American letters." Maybe so. At least his being a pariah politically helps in understanding the man, the tempests which surrounded him, and the silence which has been his wake. History hasn't so much attacked and refuted him as just turned away to commit itself elsewhere.

Yet, if he's in history's ashcan, how get him out? And this question is made the more delicate both by Gold and by Folsom. Gold wrote (in one of the reprinted pieces) that he considered those who wrote for *The New Republic* and the *Nation* "careful men with perpetual slight colds." Folsom in his Introduction, doubtless to prove his own health, wrote that "the humble and the defiant cherish [Gold's] vision." Obviously, concerning Gold, it will not do to be the slightest snotty.

Forced because of his ailing father to do manual labor from the age of twelve, Gold knew what it meant to grow up in a tenement. A ghetto formed his values. His career, as suggested in the pastiche fictional-autobiographical pieces in this volume, in *Jews Without Money*, and in Folsom's Introduction, reads not at all like our usual account of radicalization in America. Nothing at all like Edmund Wilson going to the Finland Station, it is much more like those industrial-age careers in England as described, say, in E. P. Thompson's *The Making of the English Working Class*. Gold speaks, for instance, of the "fever" of discovering books in the anarchist Ferrer School. The "idealistic world of Shelley, Blake, Walt Whitman, Kropotkin" was where he really lived even while wrestling trunks at the Adams Express Company depot on 47th Street. Then the Wobblies; a few months at Harvard; back on the road with friends; a job in a Fabian bookstore; a period as a reporter on the New York Socialist daily *Call*; then Mexico to dodge the draft, 1918-19; editor of *Liberator* when he was 28, in 1921. What is important here is that there was a whole world of alliances, clubs, schools, demi-organization, social support evidencing solidarity—an alternative culture—which was alien to an Edmund Wilson at Princeton or a Granville Hicks at Harvard.

So there it is. Gold was that rare writer in American letters, the working-class

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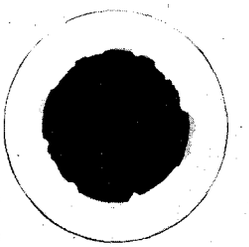

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writer who made it yet stayed attuned to workers. All around him were the "hollow men" (Eliot, Hemingway, Fitzgerald, Sinclair) and the "renegades," those who for a while made a social commitment, or seemed to, but who then backed out (Granville Hicks, Sidney Hook, Sherwood Anderson, Edmund Wilson). One of the importances of this volume is that Gold airs in it the flipside of the story. In one of the best pieces, "Renegades: A Warning of the End," Gold explains with more than usual measure his version of why the "petit-bourgeois fellow-travelers" jumped ship.

We've known the confessions about the god that failed, the purges, the Stalin-Hitler pact, and all the very real anguish such traumas occasioned in the political and literary American left. But Gold puts these ship-jumpers down as flirters with the proletariat finally returning home to their bourgeois backgrounds. Take the case of Sherwood Anderson. He "needed no alibis," Gold says. He "was merely following his class instincts, as simply as a bird heading south at the first frost.... This was a simple, barefoot businessman, who found he had moved his store into an unprofitable neighborhood, and quickly moved it to a better one. Does such a man have to apologize or invent intellectual alibis?" What can one say about this? Perhaps simply that Anderson was not Gold. The Party was right for Gold; it was his only nag, and had been good for him. The fight was very real; life was no banquet where one could choose chicken soup and black-eyed peas while they are chic and move back to roast beef or on to dessert as the times change. Gold had to stay with chicken soup.

The obvious objection here is that the Party was not the same as working-class culture, yet it blanketed the scene, and so pretended to be the same. It appropriated all the possibilities for radical voices and terrorized people into speaking its own line—which it claimed was the voice of the people. Thus in its organizing of working America, the CPUSA had much to do with much destruction, all the while proclaiming that it was promoting the values of the proletariat.

When I said just above that the Party "terrorized" people into speaking their line, I was thinking of the controversy over the essay Albert Maltz (the playwright and novelist) published in *New Masses*, early in 1946. Maltz wanted less of a line imposed on authors who spoke for the proletariat. Folsom has gathered the four pieces that Gold wrote in response and reprinted them as "The Storm Over Maltz"; they fortunately make the penultimate piece—fortunately, because if the book ended there it would end on a sour note. Not just Gold, but many others attacked Maltz so roughly that he later capitulated and confessed his "error." Or so the story has been told; Gold's pieces allow a different understanding to emerge. If the Party was organizing the culture of America's tenements badly, so helping to destroy it, the apparatus of bourgeois literature worked no less culpably or diligently to promote its own class-serving values.

Gold saw from his earliest days as an editor until the end the mixed enticement and coercion of bourgeois culture, resulting in what Marcuse calls one-dimensionality, America's single set of values subscribed to by everyone. It wasn't always that way (and may not be now), but during the years surrounding the first war with Germany and extending past the second one America played all her trumps. If she couldn't entice you with what Fitzgerald called the diamond as big as the Ritz, or if the Office of War Information didn't work, then she turned to the Palmer raids, red scares, and McCarthy. But especially America enticed, and enticed even more so in literature, in her culture. That's what Henry James and the Genteel tradition, the novel of manners and the mannered poets were about: the complex web of social relations possible in the drawing rooms of the middle-class.

Now it is true that there is a kind of subversive value in complexity and sophistication and expressed possibilities, all of which are the positive points of the literature I'm calling up and against which Gold inveighed. But that is, again, not the whole truth. Liberal critics, in a variety of ways, have tried to say that it was, have tried often enough to ignore not literature's social context, which they readily mention, but that novels (particularly) function in society as an organizing force. Novels implicitly urge readers to behave in certain ways, notice certain things, forget certain impulses. Literature is selective. Or, art is a weapon. Of course, it is not a very big weapon in any individual case. But who can deny having learned one way to kiss by watching Marilyn or Elizabeth or Greta? Who hasn't wanted to enter the ring or fish trout after reading Hemingway or Brautigan? Taken together, this is all intensive, forceful. We are taken in, and we mostly don't mind.

For these reasons, or ones like them, Gold attacked Thornton Wilder as the "Prophet of the Genteel Christ" in the pages of *The New Republic* (at Edmund Wilson's suggestion), and created thereby the first big literary storm of the '30s. In one of his three balanced appraisals of Gold's position, Wilson wrote, "the furious protest raised by Gold's attack on Wilder suggests that there is more point to the Marxist objection to that author than one had previously suspected." And he agreed with Gold that Wilder's art was a "sedative for sick Americans." (But many of this magazine's regular contemporary reviewers took it upon themselves to join the assault on Gold in the Correspondence section.) This piece was the hinge for Gold. Its style is confident, even jaunty; he has his target and he knows it: "Wilder has concocted a synthesis of all the chambermaid literature, Sunday-school tracts and boulevard piety there ever were." His tone is tuned to his topic and the times. The article produced an uproar.

The mistake Gold made, it seems to me, was to try using a little enticement and coercion himself. In the Wilder piece he was striding the moment. Lots of folks were in agreement with him, and still others were sitting ducks (who groused when shot at). But enticement and coercion are the kind of striking seduction that cannot be used by just any class. They are, at least in this country, a shillelagh whose handle is carved for the middle-class. Without the affluence, where's the enticement? Without the command, where's the coercion?

That explains why Gold's important early piece "Towards Proletarian Art" (1921) is so Whitmanesque, so "mystic," so rhetorical, so insubstantial: "In blood, in tears, in chaos and wild, thunderous clouds of fear the old economic order is dying." He tried to convince readers of the necessity of great literature growing out of the tenement, but the enticing is transparently overdone and transparently wishful. At the other end of this book and Gold's career is the piece I've already mentioned, "The Storm Over Maltz." Here he tries the other extreme, a kind of peremptory command. Where the first example was rhetorically mystical, this one is rhetorically violent: "Maltz seems to have let the luxury and phony atmosphere of Hollywood at last poison him." He tried to make his words give him the

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power that he really lacked, that others had.

But where he was thinnest, he was fattest. His debits may be his credits. It is certainly to his credit that he sensed early—the term "proletarian literature" dates in America to Gold's essay—and sensed intuitively how dominated American culture was by the values of its predominant class. How simple an insight to cause him so much trouble! Gold's fiction proved that there was a genuinely different culture in America, a culture other than the official, consensus one. But if it was there, why all the fuss?

Secure in its certainty, moored in its elaborate complexity, coming on like hard rain, bourgeois culture was dampening the scene. Like a balloon blown up in a bottle and a strong odor let loose in a room, it pushed out and covered up everything else. Under the circumstances it would be hard to imagine anyone's doing better than Gold did. In fact, no one did, and so it is good that we again have a chance to see for ourselves how he managed it. Folsom's edition of Gold makes for no jolly occasion. But it is a corrective book, useful for showing how truly difficult it has been to live in the spurious melting pot.

**W. T. Lhamon, Jr.**

# Crimes of the Upper Crust

## In the Name of Profit: Profiles in Corporate Irresponsibility

by Robert L. Heilbroner & others

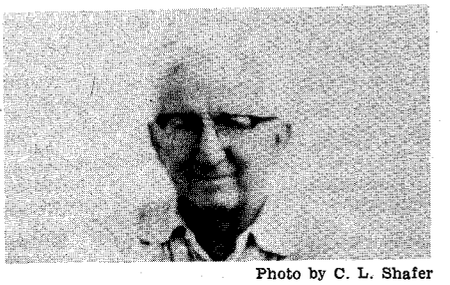
(Doubleday; $6.95)

The philosophers of capitalism have always required that their heroes be austerely efficient maximizers of profit, stern and unemotional. "It is not from the benevolence of the butcher, the brewer, or the baker," wrote Adam Smith, "that we expect our dinner, but from their regard to their own self interest." His most famous disciple today, Milton Friedman, recently expressed the same idea in clear though less picturesque prose: "There is only one social responsibility of business—to use its resources and engage in activities designed to increase its profits." For, as both Smith and Friedman explain, we can be sure that the ubiquitous pursuit of selfish interests will redound to the public welfare, as though guided by an "invisible hand."

Most of us today, of course, are not so sure; our doubts began on a national scale in 1932 and, if anything, have since deepened. But the classical image of the businessman, sturdily but somehow righteously pursuing profits, is probably still a national institution. We realize that he must be amoral, because the system makes him so. He cannot retain employees, no matter how loyal, if sales are declining, since competition would press his high-cost operation to the wall. He cannot, on his own, adopt expensive measures for avoiding pollution of air, land or sea for the same reason—less "socially responsible" competition would undersell him. And so on. Our technique is to circumscribe business activity with numerous regulations for the protection of society, placing all competitors on the same level; and so we get specific standards for treatment of pollutants, the employment of children, safety in working conditions, contributions for unemployment insurance, and the like.

The shocking thesis of *In the Name of Profit* is that "the men who run our supercorporations" are in many instances not merely amoral, as in the Smith-Friedman image, but positively immoral; that they are not content to pursue profits soullessly, in accord with the rules of the game, but are malevolently prepared to break the rules when it pays, even when the cost must be reckoned in human lives. It is a scary picture of the business world, portrayed in some instances with gripping drama by six skilled journalists who were asked by a Doubleday editor to "penetrate the corporate veil"—Colman McCarthy, Morton Mintz, and Sanford Ungar of *The Washington Post;* Kermit Vandivier of the *Troy Daily News,* Saul Friedman of the Knight Newspapers, and James Boyd of the *Washington Monthly.* The stories told are not all equally relevant, nor do they sum up, as some of the authors believe, to a grand generalization. Yet they leave no doubt about the existence of a tendency toward social crime that is serious enough, in impact and perhaps in frequency, to constitute a national problem. What to do about it is a matter that Robert L. Heilbroner grapples with in a thoughtful but inconclusive closing essay.

Clearly the most horrifying tales are those told by Vandivier and Ungar. In both cases corporation executives weigh the lives of others against the firm's profits and their own standing in the corporate hierarchy. In both cases they do not even pause to deliberate. In Vandivier's story, guilt deepens and

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**Boyd C. Shafer**

**FACES OF NATIONALISM**

In a new book, even more timely than his classic work *Nationalism: Myth and Reality,* eminent historian Boyd C. Shafer explores *why* men form nations. Searching through the ambiguities of history from the 13th through the 20th centuries, he illumines the old faiths and past events that have inspired nationalism. He also assesses our most crucial "new reality"—the threat of nuclear war—and its influence on possibilities for internationalism or alternate forms of peaceful world order. $12.95

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spreads with the fateful pace of a Greek tragedy, as ever more of the executives of the B. F. Goodrich Company are drawn into a plot to palm off a defective air brake to the air force. The deception involves faking test records and falsifying lab reports. At stake are the lives of test pilots.

In a strikingly similar tale, Ungar reports the faking of lab experiments, and the withholding of relevant information, by executives of the William S. Merrell Company, a subsidiary of one of the leading pharmaceutical manufacturers, Richardson-Merrell, Inc. Here, the objective was to salvage the company's heavy investment in a newly developed and widely promoted drug for treating heart disease. Experiments with the drug, and its actual use on patients by physicians, provided mounting evidence that it was not only of questionable effectiveness in reducing cholesterol levels, as it was supposed to, but that it also yielded side effects ranging from loss of hair to blindness and possibly death. It was the side effects that corporation officers and their employees hoped to conceal or deny, long enough, at least, to enable the company to sell off its huge, accumulated inventory. Finally, after some four years of this deadly farce, the Food and Drug Administration surrendered to an avalanche of complaints and ordered the drug (known as MER/29) withdrawn from the market.

Sensitive scholars who in the lust for fame have faked experiments have been known, in remorse, to kill themselves, even though it was not lives but an article in a professional journal that was in the balance. The businessmen we meet in these pages are of a hardier stock. They brazen it out, engage the nation's shrewdest lawyers, appeal endlessly without regard for expense (that's the stockholders' worry), and hope for the best, which they generally get. Exposed to the FBI in time to avert disaster by one of its dissident employees, the Goodrich Company was never even brought to court, apparently on Defense Department reasoning that, in the end, no actual lives were lost, only taxpayers' money. The Merrell Company and its parent conglomerate were fined $60,000 and $20,000 respectively. The officers were held to be guiltless individually. As a Merrell lawyer explained, "Whatever these individuals did, they did what they thought they were doing on behalf of the company and, if there must be punishment, we ask that it fall on the company and not on them." And so the court ruled.

The remaining essays relate business malefactions of somewhat lesser gravity. Closest to the Merrell-Goodrich level was the stalling by the General Motors Company in correcting dangerous defects in school buses, in a story well told by McCarthy. Farthest away was Friedman's account of the production of napalm by Dow Chemical—farthest away in that the company sinned *with* society rather than against it.

How can the public protect itself against businessmen who are not only socially irresponsible but are willing, in cold blood, to flout the law to further their own and their company's welfare? The question is simply too big and too complex to be tidily dissected within the confines of the 40 pages allotted to Heilbroner. But within those limits he manages to touch deftly upon the leading issues relating to additional legal restrictions on business activity, trust-busting, further administrative regulation, and circumstances justifying nationalization. No definite conclusions are reached but some sympathy is evidenced for Ralph Nader's proposals for reform, including federal incorporation and public representation on boards of directors. The book, including Heilbroner's essay, is briskly written and well worth reading.

**Melville J. Ulmer**

# Publishing

## Climbing the Wall—Part II

A word tax might cut down on the number of books published (see the first part of this essay, in the May 20 issue), but an equally fetching notion is that we place an upper limit on financial success from a single book, thus killing the goose that lays the golden egg. We could arrange with the IRS that when a writer's royalties and other income from a book reach a gross total of perhaps $200,000 his money machine clicks to a stop. So does the publisher's money machine. At that point the publisher may continue to sell and distribute the book at cost, and the writer may continue to be admired for his genius, but no more. All funds received after the critical point are put into an enormous kitty for the preservation of decency in success.

Of course these schemes are not exactly a part of the Democratic platform yet; nor is the bureaucratic dream that we limit the number of titles a publisher can turn forth in a single year. But if the schemes seem ridiculous, so is what is going to happen to literature if we persist with our Adam Smithing. The Soviets have their indecencies but we have ours too, and it would be well that we look at our own seriously rather than taking refuge in the dubious and face-saving, status-quo-preserving proposition that we are better off than the Soviets. For nearly 40 years our intellectual community has raged at Soviet censorship, and at the insistent demands of party-line socialist critics that literature be judged by assessing its service to the "cause"; but while we have complained about socialist frailties we have managed at the same time to ignore or gloss over *our* chief frailty, which is a total inability to conceive of values except in terms of service to the self. All in all our two countries have managed to achieve in literature a sort of continuing parody of their respective ideological doctrines. Sensible things are frequently said in both places (especially about the other place) about what ought to be done to de-frail the frailties, but as usual the ought-to-be has little to do with practice. We go on with what the Soviets call our modernism—which includes incoherence, excessive subjectivity, excessive attention to style, bad reporting, nihilism and probably even halitosis—while they go on trying to prove Orwell. And to the question, What can be done in either country, there is presumably no intelligent answer except, Wait.

Yet, to come back home, I would like

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to imagine the possible efficacy of a few at least tentative gestures over here against Adam Smithing. First there are the money proposals above. Second there are related esthetic proposals that we could learn about with profit from the socialists. For example, at the still center of the college creative writing world a bit of "critical realism" would be a positive delight. Critical realism is that literary and social stance that a nonsocialist can grow into and thereby gain the socialist's blessing; it produces a literature of social and historical awareness (two models frequently cited are Dickens and Thomas Mann) and in the process subordinates the private life to the general welfare. I continue to be skeptical about how one gets to the general welfare in Creative Writing—some mornings one can't even find a quorum to discuss the Adam Smith poems that have not been written—but I nonetheless think something might be done, and done without having to start a Fascist youth corps, to at least make a start away from the self-indulgence we now encourage. Kenneth Koch once made a good case for encouraging young children to write up their wishes, lies and dreams, and that is fine; but I am talking about the older children now and the grown-ups, and looking for a way of turning the Koch phonograph record over and playing haves, truths and wakings. Naturalism? —I want neither real gardens nor real toads but reasonable approximations of these, *plus*—and this is the dubious socialist addition that few American writers now dream of—people, reasonably verisimilar people acting in concert, people displaying their best thoughts and instincts, people awake and even sober and rational, people at work (out of bed) serving causes, performing important and hopefully rewarding communal functions. Imagine! I have been thinking darkly of how to encourage such radical concerns among the young writers I find around me, and the other day I proposed to a talented poet heading in the direction of a collection of poems for an honors "thesis" that he regard the proposed collection as in part an assignment in *reportage* on his job in a local bar—the people there, the social-cultural milieu there, the whole bag—and that when the assignment is complete it be judged for its accuracy, adequacy and wisdom *as* report. Also that it be judged by others than me, maybe by some of the bar's denizens. Well, the poet upon hearing my whirling words remained calm and professed an interest—though there was something in his eyes suggesting that he knew I was mad—and left, and we will see what comes of the project: perhaps he will lose his job? Meanwhile I go on with my madness; as I write this I have just proposed to another writer that he try to move out of his inwardness by attending to communal matters. He was pleased and had a quick answer; he told me he was already living in a sort of commune. "Oh," I said, "then you have a ready-made scene and you can write about the farming and the washing dishes and the serving of the communal cause?" But no, the commune, he went on, was simply his pad, which he shared with two other poets. Their cause was poetry and that was that.

What have the whims and characteristic activities of struggling student poets to do with the Adam Smithing of the publishing world? In publishing as I have indicated the game is always money and the dream (of publisher and writer) is of a big money killing, while of course the student poet hasn't made a dime on his writing yet, nor has he yet developed a nose for what will make money. But he dreams too, and his dream is like his seniors' dream in that it is always—always at least as I have personally seen it among students—a dream of self aggrandizement by self-expression. What does one write about and for, other than about and for the self?—such secondary matters, the argument seems to run, can be settled later.

"Ask not," John Kennedy might have said, "what your country can give you for writing, but what you can write for your country." The notion has a genuinely foolish sound, doesn't it? when the country is mining the waters and otherwise doing its incredible best to alienate still further nine-tenths of the citizens who have any designs upon writing. I assume therefore that any interest in the general welfare that I may manage to inculcate will not include, at least at the moment, the writing of patriotic ditties. But the stance of critical realism does not demand that of us: it demands primary attention to people and their plight, not government and its plight, and such attention can be paid even in bad times like these. But to develop such attention does entail a change—how strange that it should—in the


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vision that our writers grow up with of what it *is* to be a writer: the life, the role, the function. It involves among other things thinking of the writing act as a service to society rather than, or over and above, service to self—and *nobody* who dreams of being a writer in this unhappy country ever has such a thought.

Remember Horatio Alger? I think it was Frederick Lewis Allen who first noted that there was a slight discrepancy between the noble ideological theme of an Alger success story and the practice. The theme was that if you worked hard and kept at it for a long time—getting up early in the morning, starting at the bottom of the heap, working your way up in the factory, scrimping and saving and doing everything you could on Sundays for the family—if you worked like that, eventually you would be rich. But the *practice* in an Alger success story was that if you worked hard and scrimped and saved, you would inadvertently befriend a rich man who would leave you a pot of the stuff. Or you would discover a gold mine. Even Horatio Alger couldn't figure out how he derived a million dollars from being honest and hard-working. Now I submit that in the writing (and publishing) game we are even more confused than Horatio because we think with Adam Smith that we will serve society by working hard at the typewriter serving ourselves, when in fact we do not do that; we just get rich like Horatio if we are lucky—and of course the nasty money irony is that very few are lucky—while society watches wonderingly, down at the bar. Another way of putting it is that by the present arrangements we are, increasingly, serving neither self nor society well.

**Reed Whittemore**

## Note

The Critic as Artist, *an anthology of reviews and essays printed in* The New Republic *from 1920-1970, has just been published by Liveright* ($12.00). *It is edited by Gilbert A. Harrison.*

# In Brief

## The Original by Larry Smith

(Herder & Herder; $7.95)

An old-fashioned regional mash, in Michigan farm country around 1900. The hero grows up lugging rocks, sawing trees and arguing with Pa. He is a good puritan-work-ethic hero but finds an older woman to live in sin with. Then he dies in the harness and the woman is blamed, and for a desperate moment she starts to look like Hester Prynne—except that there's no child (he was sexually an "original") and so the novel is able gratefully to end.

## Women at Work. Two Studies by Dorothy Richardson and Elinor Langer edited by William L. O'Neill

(Quadrangle; $2.95)

In 1900 or thereabouts Dorothy Richardson arrived in New York penniless. She was 18, her father had just died, and she had left the family farm in Pennsylvania to make her way in a world that, she had been rightly told, had as its theme song, "Work or Starve, Work or Starve." For several years in the wicked city she then did a great deal of work and a little starving. She was exploited by landlords and employers. She was, as editor William O'Neill points out, discriminated against as a woman "by being confined to poorly paid occupations, and even within them paid less than men of similar, or even inferior qualifications." After running through dozens of ephemeral jobs that would characteristically pay her $3 a week for 10- or 12-hours-a-day labor with "'Girls, just think of it, Saturday afternoons off,'" she was befriended and enabled to better herself by taking courses that led her to the $20-a-week paradise of stenographers. Her conclusion: the characteristic female predicament is that of "not having learned to work either at school or at home," with the result that "she goes to the factory, to the workshop, or to the store, crude, incompetent, and, worst of all, with an instinctive antagonism toward her task. *She cannot work and she does not work. She is simply 'worked.'*"

In 1969 Elinor Langer worked briefly for—or rather was worked by—the New York Telephone Company, and learned that the object of Telephone Company training is to turn a human being into a machine. Since she took the job for the honor of sociology rather than to eat, her account has less immediacy than Dorothy Richardson's, but the two pieces go well together as descriptions of the many ways of industrial oppression.

## Our Racist Presidents by Melvin Steinfield

(Consensus Publishers; $4.95)

George Washington thought it immoral that "happy and contented" slaves were frequently seduced, by such agencies as the Society of Quakers, into leaving their masters. Thomas Jefferson thought that blacks, while in memory equal to whites, were "in reason much inferior . . . and in imagination dull, tasteless and anomolous." He went on: Among the blacks is misery enough, God knows, but no poetry."

Andrew Jackson once ordered his overseer to give 50 lashes to a female slave who had been impudent. In 1858 Abraham Lincoln made a political speech in which he said, "I will say then that I am not, nor ever have been, in favor of bringing about in any way the social and political equality of the white and black races; that I am not, nor ever have been, in favor of making voters or jurors of Negroes, nor of qualifying them to hold office, nor to intermarry with white people; and I will say in addition to this that there is a physical difference between the white and black races which I believe will forever forbid the two races living together on terms of social and political equality." Andrew Jackson described himself as a "friend of the colored man" but he didn't want to give the colored man the vote; McKinley and Theodore Roosevelt were strong white supremacists; Woodrow Wilson allowed segregation to be introduced into several federal departments during his administration; and so on. Melvin Steinfield, the author of *Our Racist Presidents,* had to work harder on some prexies than others to uncover their sins—and occasionally the volume seems more an exercise in malice than enlightenment—yet the facts are there, inescapable, making solidly depressing reading.

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# The Misogynist

Better they never learned to read!
Better they build sand castles, and breed,
He said, and such was his line of conversation
whenever anybody mentioned
women's liberation.
Oh he protested much!

There was a woman once who knew him,
saw right through him,
Found his tirades so transparent
she could watch the very gears of his defense.
She never argued.
Hardly heard his words, in fact,
(but loved to hear his accents fall).

It cramped his style to be forgiven.
How he hated talking to the wall!
He liked to see the taunted ladies
coiling, bristling,
serpents and cats,
venomous, mewing.
The game, though dreary, reinforced his theory.

Games and arguments were not encounters of the kind
she had in mind;
She looked to meeting-grounds
beyond the barricades of barb and glib.
She cared (he knew); and he,
He felt some tremors in the shale
And then and there decided she was one he'd never call.

He was afraid to be loved, or to love.
A hand in winter, resisting the glove.

JEAN MORGAN

## Winning Hearts and Minds edited by Larry Rottmann, Jan Barry and Basil T. Paquet

(1st Casualty Press; $1.95)

In honor of our eternal war many of us continue to picket the White House, attend antiwar rallies, throw rocks, block Route #1—and write poems. None of it does any good, but at least with the poems there is minimal expectation of doing good, Auden having advised us that poetry makes nothing happen. We write the poems because we have to do something.

Here is a new book of war poems, written by Vietnam Veterans who had to do something. A preponderance of the poems are descriptions of death, *e.g.*:

IN A PLANTATION

The bullet passed
Through his right temple,
His left side
Could not hold
Against the metal,
His last "I am" exploded
Red and grey on a rubber tree.

*Basil Paquet*

Many are deliberate shockers in the Wilfred Owen tradition:

GUT CATCHER

Have you ever seen
A gut catcher?
Perhaps not
If you never had to use one

There is no patent on them
They're makeshift
Depending upon time
And place

I've seen ponchos used
And a pack
And a canteen cover
Or your hands
You catch the guts of your buddy
As they spill out of his body
And try to stuff them back in
But they keep sliding out

For a face blown in
For an eye blown out
For an arm blown off
For a body blown open
. . . A gut catcher.

*Stan Platke*

A few straightforward editorials:

WHAT KIND OF WAR?

Ask what kind of war it is
where you can be pinned down
all day in a muddy rice paddy
while your buddies are being shot
and a close-support Phantom jet
who has been napalming the
enemy
wraps itself around a tree and
explodes
and you cheer inside?

*Larry Rottman*

And in all the book there is of course not a single poem praising the American presence in Vietnam. Obviously a very one-sided book. Right too. And it will do no good.

Goad Press, publisher of first works of Ferlinghetti, Creeley, Charles Olsen, will return to publication of poetry for Fall, 1972, with 20 poems of **Joshua Roland.** Mr. Roland is a young San Francisco poet of great promise. His book, *Gathering the Decade* will retail for $12.50. The printer is Grabhorn Press of San Francisco and we expect this book to become a collector's prize.


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## The Death of the Army: A Pre-Mortem by Edward L. King

(Saturday Review Press; $6.95)

Shortly after Lt. Col. Edward King published an article critical of the army in *The New Republic* (May 30, 1970), a friend in army intelligence reported that a confidential dossier had been opened on him as a "danger to the Army." Perhaps the Pentagon will now go scurrying back to that dossier, for King has expanded his *New Republic* article into a powerful book.

*The Death of the Army* weaves King's personal experiences as a career officer into a portrait of the sycophancy and parochial self-interest that, he contends, now characterize the US officer corps. As a lieutenant 20 years ago in Korea, King led an infantry platoon into a masochistic assault against a well-defended and strategically meaningless hill. Throughout the attack, the battalion commander kept radioing from behind the lines that he wished King would move faster; a visiting general was watching and the commander wanted to look "aggressive." As soon as the hill was taken, with many casualties suffered, King was ordered to abandon it. He vowed he would never again be responsible for leading young Americans to their deaths for reasons having nothing to do with the nation's security.

After a distinguished career in Europe, Latin America and as an aide to the Joint Chiefs of Staff, King was ordered to Vietnam in 1968. This time it would not have been a combat assignment but an air-conditioned office job in Saigon, the kind that would easily have made him a "full bird" and boosted his retirement pay. King stuck to his vow and resigned from the army.

Like many of the military critics who have emerged from the officer corps in recent years (Generals Shoup, Ridgway and Gavin, Colonels Donovan, Corson and Herbert), King is an old-fashioned citizen-soldier at heart. His preference is for the lean, austere army of World War II, when civilians-turned-officers were less concerned with "making it" than with the lives and welfare of their enlisted men. He distrusts the Modern Management types like General Westmoreland, the dare-devil counter-insurgency types like General Taylor, and the neo-Napoleonic types like Brig. Gen. George Patton III. He is especially scornful of the so-called West Point Protective Association, the informal conspiracy through which West Pointers retain their control.

*The Death of the Army* would make an outstanding textbook for a military reform movement if in fact there were one. Unfortunately, most members of the Concerned Officers Movement and other similar groups are short-termers who will soon be leaving the ranks. This means, as King points out, that reform of the military can only come about through outside pressure, or pressure from the very top of the military structure. That requires a new, reform-minded secretary of defense, backed by the President and the public. If George McGovern makes it to the White House, it's just possible that the rot of the army may be stopped. Then—who knows?—the military might really defend American citizens and taxpayers, instead of making us its first (though not its only) victims.

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**Kauffmann,** *from page 22*

accomplices and by refusing to sign a confession that would be used by the state to blacken his name and bludgeon others, he *becomes* good enough to die for his beliefs.

It is the largest subject raised in all of Miller's works. In language and in its wholeness with the preceding acts, this last act is far below the scene that might have been Miller's model: the trial scene of Shaw's *Saint Joan*. Still it is the one moment in Miller that does not stroke our superiorities or tug our humane-decent hearts. It asks whether a man can rationally give his life for something that he can be aware of only while he is alive; or, if he believes in a higher Judge and a greater consciousness, whether he has the right to martyr's robes. And by implication it also asks something else: if there is nothing a man will die for (I don't mean kill for), if there is nothing at all that he will maintain to the uttermost limits, is there a genuine foundation to any of the values by which he lives?

It is the progress to these questions and the embodiment of them that Foxworth cannot manage. Without that, what does all the rest matter?

*An Evening with Richard Nixon and . . .* (Shubert). Gore Vidal is another dramatist who wants to look daring without daring very much. Like Emile de Antonio *(Millhouse)* and Philip Roth *(Our Gang)* he has produced an anti-Nixon polemic whose effect—at best—is to make anti-Nixonites feel better about themselves. He has collected an enormous number of self-indicting statements of Nixon's, and instead of issuing one of those *The Wit and Wisdom of . . .* volumes, he has elected to make a play of them. Or to try.

The result is an ungainly, superheated pageant, with Washington sitting in judgment, with Eisenhower and Kennedy as commentators, on a long series of anti-Nixon skits from his boyhood to the present, with our President's dialogue written by himself. It comforts those who dislike Nixon, though one of them can testify that too much is worse than a feast; and presumably it even comforts those who like him. "What a country," they can say, "that permits this freedom of speech." Of course they know how ineffectual such a play is, suffrage-wise.

There is one moment when the play gets really interesting. Washington is asked who cut down the cherry tree. Kennedy says that Nixon did. Eisenhower says, "Now we gotta be fair about that one. We all did." But as this line is followed immediately by the final curtain, it comes a bit late for development.

George S. Irving, one of our best revue comedians, is splendid as Nixon.

*Suggs* (Forum). David Wiltse is a centrist of another kind. His first long work produced in New York is a comfy avant-garde play, the kind that puts free-flowing form on modish ideas. Wiltse writes bright dialogue and has an observant eye, but as much as Neil Simon and countless others who work in conventional forms, his aim is the response of recognition. He realizes that today's audiences like to go to smaller theaters sometimes, sometimes in basements, and expect the plays there to weave back and forth in time and place, in and out of representationalism; and he also realizes that the recognitions must now be colored with modest cynicism. But, ba-

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sically, he is still working a market—the demand for and supply of knowing chuckles.

Suggs is a young man who comes from Kansas to New York, gets a job and a wife, eventually loses both, and ends up joining the chorus of Manhattan eccentrics who have circled around the body of the play. Along the way we get the usual wry bitterness about the big town's crowding, frantic pace, and danger, together with the now-formula frank admissions of race prejudice. The debacle is manipulated. There is no reason for the cool, scheming Suggs to quit his job and slide downhill except that Wiltse wanted him on the park bench with the crazies for the fade-out.

I predict a successful career for Wiltse. He has just enough talent and intelligence to be very useful without being troublesome.

Dan Sullivan has directed a good cast dexterously. As Suggs, William Atherton gives the kind of poised, quiet, well-timed performance that Elliott Nugent used to specialize in 30 years ago. Ralph Bell as a suspicious employer, Lee Lawson as several girls, Joan Pape and Charles Turner and Robert Levine as an assortment of nuts, are all enjoyable.

## Personals

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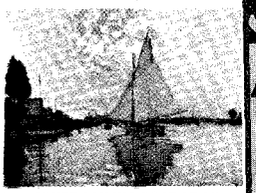

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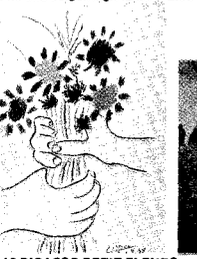

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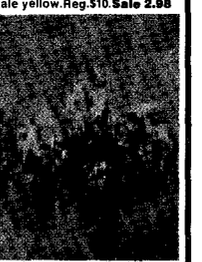

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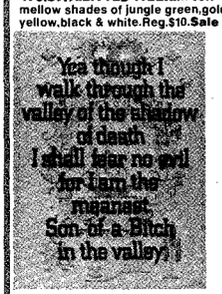
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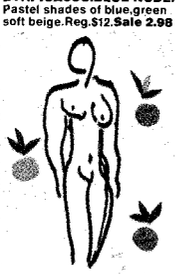

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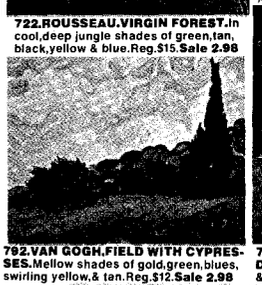

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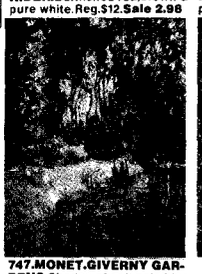

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